SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 26, 2005

8:40 A.M.

(PAGES 12161 THROUGH 12207)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 12161

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR.,
District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney -and-
MAG NICOLA, Sr. Deputy District Attorney
1112 Santa Barbara Street Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU
BY: THOMAS A. MESEREAU, JR., ESQ. -and-
SUSAN C. YU, ESQ. 1875 Century Park East, Suite 700
Los Angeles, California 90067
-and-
SANGER & SWYSEN BY: ROBERT M. SANGER, ESQ.
233 East Carrillo Street, Suite C Santa Barbara, California 93101

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

R E B U T T A L

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
VILLEGAS, Gina	12188-Z	12190-M	12203-Z	12205-M

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3 448 Brad Miller phone records 12185
4
5
6 DEFENDANT'S NO.
7 901 Brad Miller e-mails 12175
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 12164

Santa Maria, California
Thursday, May 26, 2005
8:30 a.m.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE COURT: All right. We have two issues I think to take up before -- at least two before the jury comes in.
THE BAILIFF: Is your microphone on?
THE COURT: I'm sorry, we have two issues to take up before the jury comes in.
The first issue is on the tape that was -- I watched yesterday afternoon. The Court will allow the playing of the tape. I think the -- it's awful long. It seemed to me that, you know, playing half an hour of it would be better than playing the whole hour. There's a lot at the beginning that's not even the boy talking.
MR. SANGER: Could I be heard on that part, Your Honor?
THE COURT: Yeah.
MR. SANGER: I watched -- of course the 12165

prosecution made the motion towards the end of the day, and so I watched that thing in the middle of the night, basically, again to see what it looked like from the standpoint of playing it. And there's a tremendous amount of prejudicial material by way of police officers making statements that are absolutely inadmissible in court.
On the other hand, to simply pick out, you know, statements of Gavin Arvizo in a vacuum that don't show that the police officer just said, you know, "You're really brave. We want you to do this. You're doing the right thing," and all the other things that they were saying, you know, takes it out of context. I don't think that we're prepared -- I don't think the People are prepared either to present a pared down version, nor are we.
THE COURT: This is -- excuse me. This is one of those rulings that is not -- you know, if the defense wants the whole tape played, then -- you know, they don't want any of it played, but if it's played, they want the whole tape played, then that's all right. I would understand that.
MR. SANGER: I understand what the Court's saying, and I'm just saying if we're going to come up with a pared down version, I think we'd have to meet and confer on that because they're going to want some parts and --
THE COURT: Yeah. 12166

MR. SANGER: I don't think we can do it off the cuff right now is my point.
THE COURT: Well, let me ask you this: Are you saying that if they -- I understand that you don't want to play it at all. Having made that ruling, are you saying you would rather have it all played than parts of it?
MR. SANGER: I can't absolutely say that either. I think it probably should be edited, but the question would be how would it be edited.
THE COURT: You're not going to agree on that. I mean, you make the suggestion that you and the prosecution could get together and agree on that. That's not going to happen. I mean, you couldn't agree on a simple stipulation on some evidence that had no significance whatsoever. So I just don't really --
MR. SANGER: I don't want to argue with the Court on that. But I think we have agreed on quite a number of things, Your Honor, in fairness.
THE COURT: This is --
MR. SANGER: But it seems somewhat impractical, because we're at -- and Your Honor is saying, you know, "Do you want all" -- "You don't get nothing, so do you want all or part?" And what I'm saying, I don't know what part they want to show.
THE COURT: They wanted to show all -- you 12167

know what they said. They said it yesterday. They want all except from 49 minutes 50 seconds to 51 minutes 45 seconds and the last 20 seconds. I mean, they told you what they wanted. They told me what they wanted.

MR. SANGER: No, I understand that, Your Honor. Maybe I'm not communicating here. I understand that. Your Honor is suggesting they should show a half an hour, more or less.

THE COURT: I thought, because it's a lengthy tape and there's a lot of material there that doesn't relate to anything, that they should show less.

MR. SANGER: Right. And having had our motion denied to exclude the whole thing, I don't necessarily disagree with the Court, but I can't agree unless I know what half hour they want to play. So all I'm saying is, we have to at least know what they're proposing if they're going to do that. I would agree there's extraneous material on the tape that probably shouldn't be shown, but I don't know which half hour they want. Does that make any sense?

THE COURT: Okay. That was just a suggestion that they try to reduce the amount. I wasn't ordering that.

MR. SNEDDON: Good morning, Your Honor. First of all, I think we're in a position -- 12168

I don’t have a problem with what the Court suggested. I think that the first part of the video, where the -- what we might call the rapport-building stage could easily be deleted out or edited out.

Mr. Auchincloss doesn’t have any witnesses this morning, so he could go upstairs and begin the editing process and come back with a suggestion. If the Court would like us to do that, we’d be more than glad to do that. I think probably that would account for about 10 or 15 minutes, at least, of the interview that I don’t have a problem with. And we would be willing to do that. I’m not saying that -- I mean, I’m -- I share the Court’s concern about reaching an eventual stipulation, but I’m willing to do what we can do to at least take that part out and move on with it. And so if you want us to do that, we’ll do that.

And absent that, then my position is -- other than the things that we’ve indicated to you that we really feel should not go to the jury because of the 352 nature of it -- to the defense, not to us. But it’s not appropriate, and I agree with that, and I’m sure the Court does, too, having heard what’s in there. So that’s our position, and we’ll do what we can to accommodate the Court.

MR. SANGER: Your Honor, I have a suggestion. I’m just still a little taken aback. 12169

I don’t think the Court’s fully aware of how much cooperation there has been, despite the fights over other things here.
THE COURT: I’m sorry, there has been a lot of cooperation.
MR. SANGER: There we go. Thank you. A little appreciation goes a long way at a time like this.
THE COURT: You guys have really done a good job on this.
MR. SNEDDON: You don’t sound too sincere about that.
THE COURT: No, I want to make Mr. Sanger feel better.
(Laughter.)
MR. SANGER: Thank you. It’s working. Just another minute or two and --
THE COURT: And your last argument was really excellent.
(Laughter.)
MR. SANGER: There you go. Thank you. That would be the one I lost on this tape.
THE COURT: But a good argument nonetheless.
(Laughter.)
MR. SANGER: Well, what I would suggest is this: With the consent or concurrence of the District Attorney, I will ask Mr. Dunkle, who’s my associate lawyer in my office here in Santa Maria, 12170

I'll ask him to go over to the D.A.'s Office. They can get a running start if they want to, but at some point this morning, if they would meet with him and try to confer and try to work it out, we'll take our best shot.
THE COURT: That's a good way to do it.
MR. SANGER: I think Mr. Mesereau and I should have the final say, so we probably need to --
THE COURT: Confer.
MR. SANGER: -- have some time to confer, but we'll try to do that.
Now, with regard to the Court's ruling that the tape is coming in in one fashion or another, we had indicated that we would need to then have Gavin Arvizo made available. We'd also like to have Janet Arvizo, Dr. Katz and Larry Feldman.
THE COURT: For a moment, I thought you were going to say something else. But that's fine.
MR. SANGER: Could you indicate what it is and I'll add it to the list?
So we'd like to have them available, and I understand they were the People's witnesses and that they would have a number to call them. We tried to find a number for Dr. Katz to give him a heads-up and we didn't have one, so --
THE COURT: All right. So I think that one of your people should call them right away this morning, right? 12171

MR. SNEDDON: Yes, Your Honor. We'll do that.
I want to tell the Court that, first of all, we're not waiving any objection with regard to the materiality of whether it's appropriate.
THE COURT: That's fine.
MR. SNEDDON: Okay. Second of all, my understanding as of -- I'm trying to think of the day, because I don't want to misrepresent to the Court. Whenever it was that Larry King was here. As of that point in time, Mr. Feldman was in South Africa, and I didn't know that until I called up to talk to him and he was gone and his partner told me that.
So I will call the office today and find out if he's back. But I know he's -- I know at that point last week, whenever Mr. King was here, that Mr. Feldman was in South Africa. So I'll do what the Court told me to.
THE COURT: And you have the list of witnesses that he just gave?
MR. SNEDDON: Right. There was four of them. Dr. Katz, Mr. Feldman, Mrs. Jackson, and Gavin.
THE COURT: All right.
MR. SNEDDON: And that's not a problem. We already alerted the family. So that's not a problem. 12172

THE COURT: Okay. All right. Then --
MR. SNEDDON: Judge, if that's the situation, then I think we can -- the other issue I talked to you about, the letters with Mr. Geragos, I guess we'll have Mr. Geragos come back tomorrow and establish the foundation since we can't reach a stipulation. Unless there's one that they reached.
(Off-the-record discussion held at counsel table.)
MR. SNEDDON: If the Court agrees to receive it into evidence based on the circumstantial nature of the thing, like some of the Schaffel documents. So I guess what I'll say is we'll move for the admission of those. If the Court doesn't admit it, then we would have Mr. Geragos come back tomorrow. It looks like we're going to be here tomorrow. But let's play it by ear and see what comes about.
THE COURT: Well, I would prefer that, rather than have Mr. Geragos come back, that both sides are working so well together throughout this case.
MR. SNEDDON: I have no problem with that.
THE COURT: I thought we reached -- I thought you reached some possible agreement when you were talking to me just before we came --
MR. SNEDDON: That was on a different piece of evidence, Your Honor. That was on the tape. And I think Mr. Mesereau and I have -- I don't want to 12173

speak for Mr. Mesereau, but I think we probably worked that one out to our satisfaction.
But this is a different -- this is the e-mails, the Brad Miller e-mails to Mr. Geragos that the Court allowed us to --
THE COURT: That were seized in the search warrant.
MR. SNEDDON: Yes, sir, these are the ones that were the subject of the attorney-client privilege and were released to us late, I think last week. We got them on Saturday, actually, because of the waiver, and that was the first time we saw them, and so we determined that we want to have those admitted into evidence.
And we'd so move. I could have them marked right now, if you like, for identification.
THE COURT: Have them marked so I can look at them and see what you're talking about.
MR. SNEDDON: Hand me the stickies.
MR. SANGER: I believe it's our position -- I'm sitting down at the microphone, so I'll stand. It's our position that we need Mr. Geragos with regard to the content. They are not necessarily self-authenticating. And even if they are, the relevance is not established without his testimony, so that's why we're asking that he come back up in order to -- it's not just perfunctory, there is a reason for him to come up. 12174

THE COURT: Okay.
MR. SNEDDON: Your Honor, the documents have attached to them a one-page cover sheet. Actually, I don't know if there's a page missing, but it's a document from counsel to us. I really think that probably should not be part of the exhibit. So with their permission, I'll remove that and just have the e-mails themselves marked for identification.
MR. SANGER: Could I see?
MR. MESEREAU: That's fine.
MR. SANGER: Yeah, that should be removed.
THE COURT: All right.
MR. SNEDDON: This would be Exhibit 901, Your Honor. And it's a multi-page document. I haven't counted them, but it's maybe 20 -- 20 pages, and I'll hand that to the clerk.
THE COURT: I'd like that exhibit.
THE CLERK: Oh, sorry.
THE COURT: All right. The next issue that we have is the motion to admit evidence concerning Jordan Chandler.
Do you wish to be heard on that, Mr. Sneddon?
MR. SNEDDON: Mr. Zonen is going to handle that, Your Honor.
THE COURT: Mr. Zonen?
MR. ZONEN: Your Honor, I think we've adequately stated our position in the pleadings. I 12175

can tell you that with regard to the relevance of that material, there was quite a bit of testimony that was presented during the course of the defense case about nothing untoward or inappropriate occurring in Michael Jackson's bedroom and numerous witnesses who have testified to the fact that many children, particularly back in the 1993, '94, '92 period, who spent not just nights, but weeks and even months in Michael Jackson's bedroom, in Michael Jackson's bed, and it was a completely nonsexual event.

The fact that this child was able to give a description of a unique feature of his anatomy that could not have been known by him except for a very intimate acquaintance with Mr. Jackson is very good circumstantial evidence of the fact that the relationship between he and at least that child was something more than casual and something more than innocent.

In that regard, we'll submit, unless you have questions.

THE COURT: Let me hear from the defense.

MR. ZONEN: Thank you.

MR. SANGER: I, once again, tried to keep the brief brief. I hope the Court --

THE COURT: I appreciate you keeping your briefs brief.

MR. SANGER: Yes. I don't want a lack of 12176

1 volume to suggest that this didn't take well into
2 the night to get done here. And I don't want to
3 repeat everything, but I think because it is such an
4 important issue, we're right at the end of the case,
5 I feel compelled to speak about it just briefly, if
6 I may.
7 First of all, this seems to come directly
8 within the California Supreme Court's discussion in
9 the Carter case, which basically says it's not
10 proper to bring in evidence that magnifies evidence
11 that the opposition has not had a chance to meet
12 squarely during the case-in-chief, which we haven't,
13 because this was not offered, it was not hinted at.
14 It was not even in the original 1108 motion from
15 which the Court made a cut and reduced what they had
16 presented originally. So it wasn't even in there.
17 I mean, we had no notice to deal with these
18 issues -- with this issue at all. So there is
19 certainly unfair surprise, as stated directly in the
20 Carter case.
21 And Carter also says that the Court is
22 supposed to avoid dramatic evidence introduced late
23 in the trial that's going to have an undue effect.
24 Now, as we pointed out, this was not
25 offered. I mean, this is really a stretch to even
26 come up with any kind of an argument as to why this
27 should -- why they could even ask to bring this in.
28 And they're not asking to bring it in as 1108 12177

evidence. They're asking to bring it in as 1101(b) evidence.

And the idea is, I think they've said in their pleadings, that this goes to the issue of whether or not Mr. Jackson was shy or modest. Now, that's not what Mr. Zonen just said when he got up here and argued. I think he shifted the argument a bit, if I'm not mistaken, and talked about things happening in the bedroom.

They didn't offer -- I mean, we can't just keep having a moving target here. They didn't offer it in their moving papers. They didn't offer it for that purpose. They offered it on the shy and modest purpose. So it would be 1101(b) evidence on kind of a collateral matter, if it ever happened. But it didn't happen in this case in the defense.

We went through and did a word search on the entire transcript, several different words, "shy," "modest," all sorts of things. We found one question that used the word "shy," not even in this context. It had to do with whether or not a maid saw Mr. Jackson change his shirt. And the objection was sustained to that question. So it was never answered. So it didn't happen.

We also went through and -- just to be sure, and read -- we read all the testimony from the key witnesses in the defense who might have said something like that if anybody said it. And the 12178

only thing we can come up with is an investigative report where the word -- I think "shy" -- it was either "shy" or "modest," one of the two was used. We quoted it in there. And it turns out that that was never brought out from that witness on the stand.

So it seemed to me that, when I was looking at this, this was a pocket brief the District Attorney had originally prepared in case somebody did this. It didn't happen. Now they're trying to bring it in by way of rebuttal, and it would just be absolutely inappropriate as 1101, because it doesn't rebut anything, okay?

What really they're trying to do, and I think that's what I heard Mr. Zonen just argue, is they're trying to argue this is 1108. And it doesn't meet the criteria for 1108. It doesn't meet the criteria the Court set down that it would be somebody directly observing something. So it would have the prejudicial effect of the jury considering it, obviously, for 1108 purposes. Because it would be very shocking to see pictures of -- anatomical pictures and all that sort of thing.

So just from that standpoint, they've made no -- show no basis. There's no foundation to admit this as rebuttal, because there's -- they haven't shown what they're rebutting under 1101(b). And obviously, if they did that, the prejudice would be 12179

so overwhelming, because it would go to the 1108 and it shouldn't come in for that reason.
And as we said before, 1108 -- as the Court is well aware, 1108 is a very delicate kind of an issue. The jury is given tremendously prejudicial evidence, that is, prejudicial in the sense that it is propensity evidence, and that propensity evidence -- under this weird law we have in California that doesn't exist most other places, propensity evidence is allowed to come in, but the Court has to exercise discretion in limiting it, so it doesn't overwhelm the trial. And the Court made those rulings. And to bring this in at this point and emphasize 1108 in rebuttal with something that isn't even really 1108 evidence would be tremendously prejudicial.
But when you get right down to it, the main reason that it has to stay out is it violates Crawford and the confrontation clause. It's not admissible hearsay. It is testimonial directly under Crawford. This is the kind of stuff that Crawford is talking about, when police officers do interviews, and they get information and they write it down in reports, and then they preserve that and the prosecution wants to bring it in, that violates the confrontation clause. You cannot do that.
So you would have a violation of a federal constitutional right were this allowed in, in any 12180

event, and so the Court can start at either end. Either just decide it on that and it's over, or you look at the other end. It's not proper rebuttal, because there was no evidence to rebut. And under the Carter case, it's simply dramatic evidence that would be overwhelming at the end of the trial and really, in my opinion, and as we briefed, totally meaningless. There is no probative value. But if there was, by a stretch, it would be on a collateral matter.

And so I think -- I feel very strongly about this that this is absolutely inappropriate. And I will submit it, Your Honor. Thank you.

THE COURT: Mr. Zonen?

MR. ZONEN: Just briefly with regards to Crawford. This is not hearsay at all. It's not an exception to hearsay. It's not hearsay. The issue is whether or not this child had knowledge of the existence of that particular spot. And the evidence of his knowledge, certainly his ability to draw that picture, would be circumstantial evidence that he knew about it. It would be the equivalent of a child being able to say that a room was green. And he would only know that if he had been in the room. It's not for the truth of the matter that the room is green. We can show that independently with the photograph as can we show the spot with the photograph. But the fact 12181

that a child would know that the room was green would only be knowledge that the child would have circumstantially because he was there or because somebody told him.
In this particular case, it's the type of information that was not commonly available at the time, and circumstantially it would be relevant for the fact that he must have seen that particular spot, and therefore it's not testimonial. It's not communication in that regard. It would not fit within Crawford. It's simply not hearsay.
MR. SANGER: And if I may make just one comment on that -- I know we shouldn't go back and forth but --
THE COURT: I'd really like you not to do that.
MR. SANGER: Very well, Your Honor.
THE COURT: I'm going to deny the request to bring in the evidence of the blemished penis. This is the reason: It's twofold, really. And under a 352 analysis, the Court agrees with the defense, that shyness really was not an issue of any proportion. I think you've reminded me -- I knew there had been some statement somewhere in the trial about shyness, but the -- I think you've reviewed that with me, and I think I agree with -- my recollection now has been refreshed to exactly what that was. But I knew it was only a small thing to 12182

start with, if anything. And you're saying it was actually nothing.
But the analysis there would be, even if shyness had been raised as an issue, the prejudicial effect would far outweigh the probative value of the shyness issue. And secondly, I think -- even though your analysis is I think correct, I keep going through it, but I think it is not hearsay. I still think Crawford would apply to the ability to cross-examine the boy -- or the -- you know, Mr. Chandler. He's not a boy anymore -- on that issue, and that's definitely not available, so that would be my reasoning for excluding that evidence.
Was there anything else we needed to discuss before we brought the jury in?
MR. ZONEN: Could we have just one moment?
MR. AUCHINCLOSS: Your Honor, we delivered to the Court the only copy of the DVD of the -- oh, that's already been delivered. Thank you.
THE COURT: The clerk has it. I've --
THE CLERK: Is it okay to release it?
THE COURT: Yes, I'll release it. I'm going to release it to the District Attorney in accordance with our agreement that he'll notify your associate to work with him to --
MR. SANGER: Yes, certainly. And we'll need a minute or two to get on the phone and arrange that, if that's all right, Your Honor. 12183

THE COURT: Yes.
MR. SANGER: Since you're there, there's one housekeeping matter. And let me address that first. Mr. Mesereau may have something.
Just one quick housekeeping matter. I identified a phone record, for the record, at the end of the day yesterday, and it was the last exhibit marked for the defense, the number of which is not directly in front of me.
Let me stand up, I'm sorry.
I talked to Mr. Sneddon, and when we offered that exhibit, I just want the record to be clear, I indicated that it was actually from the subpoenaed materials. And I've clarified that with Mr. Sneddon because I went back and checked. The same information is in the subpoenaed materials. It's in a different computer printout. This is from an actual bill that Mr. Sneddon agrees to the foundation.
Do we have the number, just so we're --
THE CLERK: 5108.
MR. SANGER: 5108. So the foundation is taken care of, and I wanted to clarify that so there wasn't any misrepresentation. And we'll address the issue of the admissibility of that, and I think we'll bring a witness to court to show the relevance.
Thank you. 12184

THE COURT: That's where we left it yesterday. You're just clarifying where the document came from.
MR. SANGER: Yes, sir.
THE COURT: All right. Is everybody ready to bring in --
MR. SANGER: Well, I just need a couple minutes. I've got to talk to Mr. Dunkle and find out if he's --
THE COURT: All right. Would you --
MR. SANGER: Excuse me one second.
(Off-the-record discussion held at counsel table.)
MR. SANGER: Oh, okay. The bailiff indicated she called Mr. Dunkle for me and he will be coming over, so I'll --
THE COURT: I'll give you a couple of minutes to talk to him before we call the jury in. Just do it as quickly as you can.
MR. SANGER: Yes. Yes, sir.
MR. NICOLA: Your Honor, there's one matter that we might be able to take up. It's a subpoena duces tecum for the Brad Miller telephone records. It's premarked as Exhibit 448. It's been discovered to Mr. Sanger. There's a certificate by the custodian. We'd be offering that into evidence. I don't know if the Court would like to look at that now or when the jury comes in. 12185

THE COURT: Does it have to do with your next witness, or is this --
MR. NICOLA: We're going to be presenting some more link charts. It will be brief telephone testimony.
MR. SANGER: The only issue that I have with that, I assume that it is from the correct source. I did not know they were going to bring in Brad Miller records today. I knew they were bringing in Geragos records. I did not get -- bring over that set of records. So if I could have just a moment on that, when we have the break here, I'll take a look, and I think it should be okay.
THE COURT: Okay.
MR. NICOLA: Thank you, Your Honor.
MR. ZONEN: Could we have a couple of minutes before the jury is brought in?
THE COURT: Yes. I'm not going to call the jury in until you tell me you're ready, but I'll ask you to expedite it for me.
MR. ZONEN: We're going to make efforts to contact the witnesses that they've requested for tomorrow.
THE COURT: Okay.
(Recess taken.)
//
//
// 12186

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
THE COURT: Sorry for the delay, but it's going to be a little bit this way as we get through these rebuttal and perhaps surrebuttal issues. Go ahead, Counsel.
MR. ZONEN: We'll call Gina Villegas to the stand.
THE COURT: Please remain standing. Face the clerk here and raise your right hand.

GINA VILLEGAS
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name's Gina Villegas. It's G-i-n-a, V-i-l-l-e-g-a-s.
THE CLERK: Thank you.
MR. ZONEN: May I proceed?
THE COURT: Yes.
//
// 12187

1 DIRECT EXAMINATION
2 BY MR. ZONEN:
3 Q. Miss Villegas, good morning.
4 A. Good morning.
5 Q. What is your current occupation?
6 A. I am an office manager for Hollywood Ford.
7 Q. And what is Hollywood Ford?
8 A. Hollywood Ford is an automobile dealership.
9 Q. In Hollywood, I'm assuming?
10 A. Yes.
11 Q. And that's in Los Angeles County, correct?
12 A. Yes.
13 Q. And what is your position at Hollywood Ford?
14 A. I'm an office manager.
15 Q. What does that mean? What do you do?
16 A. I do payroll and I also do DMV for the
17 company.
18 Q. Are you familiar with the record systems
19 that they have at Hollywood Ford?
20 A. Yes.
21 Q. And you're familiar with how they keep
22 records of the purchases and sales of cars?
23 A. Yes.
24 Q. Were you asked to make a search of your
25 records at Hollywood Ford to determine whether or
26 not a car had been sold to a person by the name of
27 Janet Arvizo or Janet Ventura?
28 A. Yes. 12188

Q. And for what period of time did you search?
A. I was told to search from 2002 to 2003, and then I just took it upon myself to go back to 2000 to 2004, to make sure.
Q. So the earliest date you went to is what?
A. 2000. The year 2000.
Q. The year 2000?
A. Yes.
Q. Would that be January 2000?
A. Yes. The whole year of 2000, yes.
Q. Through 2004; is that correct?
A. Correct.
Q. Were you able to determine if Janet Arvizo or Janet Ventura ever purchased a car from Hollywood Ford?
A. She never did.
MR. ZONEN: Thank you. No further questions.
THE COURT: Cross-examine?
MR. ZONEN: Oh, excuse me. If I could. One -- one last question.
THE COURT: All right.
Q. BY MR. ZONEN: Were you able to determine whether or not there had been other inquiries into this exact matter, whether or not Janet Arvizo or Janet Ventura had ever purchased a car?
MR. SANGER: Objection, Your Honor, that would call for hearsay. 12189

MR. ZONEN: I'll change the question.
THE COURT: Overruled.
Q. BY MR. ZONEN: Go ahead and answer.
A. If I checked if there was other ways?
Q. Were there other inquiries about this exact matter, whether Janet Arvizo or Janet Ventura had purchased a car?
A. I got paperwork in the mail from another attorney asking to -- to look for those files.
Q. And was that an attorney for Michael Jackson?
A. I'm assuming it was. I don't really -- I can't be for sure because I didn't even bother to look. I just looked for the names, if it was on there, and I called back the person to let them know that I didn't find anything under those names.
MR. ZONEN: Thank you. No further questions.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning.
A. Good morning.
Q. Miss Villegas, we haven't met. My name is Thomas Mesereau and I speak for Mr. Jackson.
A. Okay. 12190

Q. Were you asked by the prosecutors to do a search?
A. Yes.
Q. And when did they ask you to do that search?
A. It was Thursday -- I got a phone call on Tuesday from a Detective Alvarez. He didn't personally ask for me, he just asked if he could speak to somebody who could do a search under certain people's names.
Q. Okay. Now, did he ask you to determine whether or not a money order was ever presented to Hollywood Ford by someone named Janet Ventura?
A. No, that he did not ask me.
Q. Do you know, as you speak today, whether or not someone named Janet Ventura ever presented a money order in the amount of $23,000 and zero cents to Hollywood Ford at any time?
A. No, we never got a check from --
Q. Did he ask you to determine if Janet Ventura ever presented a money order drawn on Washington Mutual Bank to Hollywood Ford between 2002 and 2003?
A. Did he ask me to check for the check?
Q. Yes. Yes.
A. No. No.
Q. Did you look to see what deposits were made at Hollywood Ford during that period of time?
A. No. I didn't look for the deposits.
Q. Do you know whether or not a Janet Ventura 12191

essentially laundered a money order through
Hollywood Ford during that period of time?
MR. ZONEN: Objection, that's argumentative,
Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Let me ask you this: If
someone goes to Washington Mutual Bank and says,
"Prepare a money order payable to the order of
Hollywood Ford for $23,000 and zero cents," and
someone shows up at Hollywood Ford with that money
order, what is the normal procedure for handling it?
A. The normal procedure for handling it is
making a receipt for the cashier's check. And also
we reference if -- they're called stock numbers.
Every car is identified by a number. So we
reference the number on there and the receipt number
on there, so that if something should come back,
fraud or NSF or however, then we know what deal it
belongs to.
Q. Let me ask you this: What does Hollywood
sell besides automobiles?
A. They sell service to vehicles, and they sell
parts.
Q. Okay. Now, if someone came to Hollywood
Ford with a money order to the amount of $23,000
dated November 9th, 2001, and wanted to purchase
parts with that money order, could they do so?
A. I assume so. I've never seen that amount of 12192

money being purchased for parts, but --
Q. And if they purchased parts for less than $23,000, would they get change?
A. On a money order, no.
Q. What would the procedure be to handle that money order?
A. The procedure would be, we would wait 15 days for that -- we treat it as a check. We would wait 15 days for it to clear and then we would create an account where we would refund you the money back after the 15 days had cleared.
Q. Now, to your knowledge, as an office manager, if someone were to go to Washington Mutual Bank, have a money order prepared that's nonnegotiable, written in the amount of $23,000 and zero cents, payable to the order of Hollywood Ford, and it says on the money order, "Remitter, Janet Ventura," and then changed their mind about presenting that money to Hollywood Ford, what would the procedure be, if you know, to get that money in your pocket?
A. Well, if it was done all in the same day, if we made the receipt and it was done in the same day, we would void out the receipt and give it back to you. But if we've already deposited also into our account, then again, we would wait 15 working days for the check to clear.
Like I said, everything is set up by a stock 12193

number, so that money would be holding with that stock number and that account number. And then we -- if there was no deal, they would say, “Hey, there’s no deal,” and we refund back the money.
Q. How would you refund back the money?
A. With a Hollywood Ford check.
Q. And did the prosecutors ever ask you to check to see if a Hollywood Ford check was ever presented to someone named Janet Ventura?
A. No.
Q. Did they ever ask you to check to see if a Hollywood Ford check was ever given to Janet Ventura designated to receive that money on her behalf?
A. No.
Q. Okay. What if you get a cashier’s check in the amount of $23,000, zero cents, payable to Hollywood Ford, drawn on Washington Mutual Bank for $23,000, will you allow someone to negotiate that instrument?
A. Negotiate to get --
Q. Yeah. Can they use that to purchase something?
A. Yes.
Q. And how hard would it be to purchase something with a cashier’s check?
A. Not hard. It would -- I mean, they would just present it, and --
Q. Could you use it almost as you could any 12194

other check?
A. Yes.
Q. Okay. And if you see a cashier's check like that, $23,000, paid to the order of Hollywood Ford, it says, "Remitter, Janet Ventura," and someone wants to purchase something with that check, what is the procedure at Hollywood Ford for authenticating the check or making sure it's valid?
A. The same as we would treat any other check. We would just deposit the same way, I mean, or whatever they're purchasing, whether it's a vehicle, parts or service, deposit it the same way.
MR. MESEREAU: Okay. May I approach the witness, Your Honor?
THE COURT: You may.
MR. MESEREAU: Your Honor, I have a document I'd like to mark next in order. Oh, it's already marked?
MR. ZONEN: May I see it, please?
MR. SANGER: Your Honor, I have Exhibit 5098 and we'd like to put that up, if we could, please.
Q. BY MR. MESEREAU: Miss Villegas, I want you to look at that exhibit, if you can. It's a little bit blurry. You may notice at the top, you see "Washington Mutual Bank, Paid to the Order of Hollywood Ford." Do you see that?
A. Yes.
Q. And you see to the right, the date is 12195

November 19th, 2001. The amount's $23,000, okay?
A. Okay.
Q. It says, "Balancing Copy Non-Negotiable."
See that to the right?
A. Yes.
Q. It says under that, "Remitter, Janet
Ventura." Do you see that?
A. Yes.
Q. Now, if someone comes to Hollywood Ford and
presents them with that check --
A. Uh-huh.
Q. -- what can they do with that check at
Hollywood Ford?
A. They can either use it to deposit, you know,
money for a car or pay cash for a car, if that's the
total amount. I've never seen service or parts meet
any kind of total like that, but, I mean, I guess if
they're going to buy tons of accessories, maybe I
guess it would be.
Q. Okay. Did you determine whether or not
someone named Janet Ventura had ever purchased
anything from Hollywood Ford during that period of
time?
A. Janet Ventura did not purchase anything.
Q. Purchase anything?
A. Right.
Q. And do you know if anyone ever was presented
with that check for any purpose? 12196

A. No, I don't know. I mean, I wouldn't think so, because on any type of -- on the top part of the check, there would have been our account numbers, our receipt numbers. Even if you purchase, you know, service or parts, there would be a repair order number, a counter ticket number. And we also do ask for people's driver's license, because we do get fraud copies of cashier's checks or personal checks. So we ask for a lot of identification.
Q. Okay. So basically you don't know what this person, Janet Ventura, ever did with this particular document?
A. No, I do not.
Q. You don't know why she had it drawn paid to the order of Hollywood Ford?
MR. ZONEN: I'll object as irrelevant. I'll object as irrelevant, beyond the witness's scope of understanding.
MR. MESEREAU: That's what I'm trying to determine, Your Honor.
MR. ZONEN: Lack of foundation.
THE COURT: You may answer.
THE WITNESS: Okay. I'm sorry, could you repeat the question?
MR. MESEREAU: Yeah, sure. Let me withdraw the question and repeat it.
Q. As you sit here today, you don't know whatever happened to that document, correct? 12197

A. No, I do not.
Q. And if Janet Ventura withdrew $23,000 in this form of a document from an account for the benefit of her son, Gavin Arvizo, who was ill, you don't know what she did with it?
MR. ZONEN: Your Honor, I'm going to object as argumentative and beyond the scope of this witness's knowledge.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, let me refer you to the document on the bottom, okay?
A. Okay.
Q. You may notice that the instrument on the top says, "Remitter, Janet Ventura," the one on the bottom has the name Janet Arvizo. Do you see that?
A. Yes, I do.
Q. And you see it says, "Payable to Hollywood Ford"?
A. Correct.
Q. It's on Washington Mutual. Looks like a receipt, okay?
A. Uh-huh.
Q. That's not something that you can find in any of your records, correct?
A. No. Those are deposit or withdrawal slips from Washington Mutual.
Q. Yeah. Okay.
A. So I wouldn't have that. 12198

Q. Wouldn't have that at all?
A. No.
Q. Now, did anyone from the prosecution ask you to check your records to see if the name Janet Ventura came up anywhere?
A. In vehicle sales --
Q. Yeah. No vehicle sales.
A. No vehicle sales for Janet Ventura.
Q. Okay. And none for Janet Arvizo?
A. And none for Janet Arvizo either.
Q. So I guess it would be safe to say that whatever was done with that check, you don't know what happened to it?
A. Hollywood Ford --
MR. ZONEN: Object as speculative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: And if whoever Janet Ventura is, or Janet Arvizo, took that and endorsed it and deposited it into some other account, that's nothing you'd know about?
A. No.
MR. ZONEN: Objection. Asked and answered and speculative.
Q. BY MR. MESEREAU: Did your records --
THE COURT: Overruled. You need to wait.
MR. MESEREAU: I'm sorry.
THE COURT: The answer is, "No." Next question. 12199

Q. BY MR. MESEREAU: Did your records indicate whether a Janet Ventura had ever even been to Hollywood Ford during these particular years?
A. I mean, if she came off the street to inquire about a vehicle?
Q. Yes.
A. No, I'm sorry, I wouldn't know that. Just the sale itself I would know.
Q. Okay. Now, at your business, if someone comes in off the street, claims they're interested in buying a vehicle or parts, is there any procedure for keeping their name and address in a marketing file, or a public relations file, or a file where you would send promotional brochures, that kind of thing?
A. Not for the accounting office purposes. But for the salesman, I mean, he could keep her name to contact her later to see if she's interested.
Q. Okay.
A. I've seen that happen.
Q. Now, would the individual salesperson be responsible for that particular account information or would the actual store keep the information?
A. Information, her personal information, like an inquiry type of thing?
Q. Yes.
A. The salesman would have that.
Q. So basically, these are salespeople on 12200

commission; is that the idea?
A. Yes.
Q. Okay. So they're responsible for their own marketing files, their own index of potential customers or clients?
A. Correct.
Q. The company itself wouldn't keep that information?
A. No. Only the actual sale.
Q. And would the salesperson put that information into a computer owned by the company, do you know?
A. We're manual, we don't go off of computers. Everything we have is manual.
Q. Now, what other -- let me rephrase that. Specifically what was the task you were asked to do by the prosecution?
A. The task I was asked to do was to look for either a Janet Arvizo or Janet Ventura to see if she had purchased a vehicle between the years 2002 and 2003.
Q. Now, if you wanted to find out whether or not the company had any other information on Janet Ventura, what other files could you have checked?
A. Um, as for sales or service, there wouldn't really be anything I could check for that. I would have to -- like I said, the reference on the check would have a counter ticket number, which are all 12201

filed numerically, and I can go back and look at that.
Q. Okay. Okay. And is there any other source of information on potential customers, clients, whatever, that could possibly have any information on Janet Ventura that you didn't check?
A. Just the service and the parts. I mean, like I said, if that money was used for service or parts, that would be the only thing.
Q. Okay.
A. The reference number would have to be there.
Q. Okay. All right. Now, were you asked to check the name Janet Arvizo?
A. Yes.
Q. And nothing showed up for her either?
A. Nothing came up for her either.
Q. Okay. Let's see, did you check the name Gavin Arvizo?
A. No, I just looked for "Arvizo." I didn't have any Arvizos.
Q. And no Venturas either?
A. And no Ventura either.
Q. Okay. So we really don't know what happened with that?
A. No, I do not.
MR. MESEREAU: Okay. Thank you very much.
MR. ZONEN: Happened with what? Objection; vague. 12202

THE COURT: Sustained.
Q. BY MR. MESEREAU: We don't know what really happened to this $23,000 that apparently a Janet Ventura had paid to the order of Hollywood Ford, really?
A. As for car sales, no.
MR. ZONEN: That's a misstatement of evidence. Objection. And argumentative and speculative.
THE COURT: Sustained.
MR. MESEREAU: Okay. No further questions.

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Is Hollywood Ford a check cashing service?
A. No.
Q. If I walk in there with a $23,000 check and tell you, "I'm not particularly interested in a Ford product, but I have a check to cash," would they cash it?
A. No.
Q. All right. Did you determine whether or not any checks had been cashed on behalf of Janet Arvizo?
A. I didn't look in the deposit books to see anything like that.
Q. All right. But you would have records if a check was cashed in conjunction with a purchase of a 12203

car?
A. Right.
Q. There would be no other reason that somebody would be cashing a check of that size?
A. No.
Q. If I walked in and said, “I’d like to buy a $20 sun visor and I’d like to pay for it with a $23,000 cashier’s check,” they might balk at that; no?
A. I’m sorry?
Q. They might be resistant to selling me a $23,000 sun visor -- or excuse me, a $20 sun visor --
A. For 23,000 --
Q. -- with a $23,000 check --
A. No.
Q. No?
A. Right.
Q. There was no record at all of a purchase of a car by Janet Arvizo, a Janet Ventura?
A. No.
Q. And this information was given to the defense in advance; is that right?
A. Yes.
MR. ZONEN: Thank you. No further questions.
//
// 12204

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Excuse me, what information was given to the defense in advance?
A. About not purchasing -- Janet Ventura or Janet Arvizo not purchasing a vehicle.
Q. Okay. But you didn't tell the defense what Janet did with that money, correct?
MR. ZONEN: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You certainly -- the prosecutor asked a question about providing information to the defense. You couldn't provide the defense any information whatever happened to this money, right? You don't have that knowledge?
A. I don't have a car sale --
MR. ZONEN: I'll object --
THE WITNESS: I don't have a car sale for that name.
Q. BY MR. MESEREAU: Yes, okay. The only information you gave to the defense was that it didn't look like a car was purchased, but what the person did with that money is beyond your knowledge?
MR. ZONEN: I'll object as argumentative.
THE COURT: Sustained.
MR. MESEREAU: No further questions.
MR. ZONEN: No further questions.
THE BAILIFF: It's break time. 12205

1 THE COURT: You may step down.
2 We'll take our break.
3 (Recess taken.)
4 --o0o--
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 12206

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12165 through 12206 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 26, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 26, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 26, 2005

8:40 A.M.

(PAGES 12208 THROUGH 12374)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 12208

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR.,
District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney -and-
MAG NICOLA, Sr. Deputy District Attorney
1112 Santa Barbara Street Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU
BY: THOMAS A. MESEREAU, JR., ESQ. -and-
SUSAN C. YU, ESQ. 1875 Century Park East, Suite 700
Los Angeles, California 90067
-and-
SANGER & SWYSEN BY: ROBERT M. SANGER, ESQ.
233 East Carrillo Street, Suite C Santa Barbara, California 93101

The Interpreters: Doris Vick Rose O'Neill

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.

R E B U T T A L

PLAINTIFF’S VOIR WITNESSES DIRECT CROSS REDIRECT RECROSS DIRE

AGGERS, Donna 12213-Z 12217-SA 12228-Z 12229-SA
12230-Z
(Further)
ERWIN, George 12231-SN 12245-SA 12263-SN
MARQUEZ,
Theresa 12271-Z 12274-SA
DICKERMAN, William 12278-Z 12294-M 12325-Z 12329-M
CAUSER,
Christine 12335-SN 12337-M
VENTURA, Maria 12342-Z
(Re-called)
BONNER, Craig 12347-N 12362-SA
(Re-called) 12359-SN
(Contd.)

1 E X H I B I T S
2 FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 157 Photo of view of electronic device under
5 the table on the bottom floor of Jackson's
6 master bedroom suite 12361 12363
7 159 Photo of close-up view of latch at top of door
8 within Jackson's master bedroom suite 12361 12363
9 160 Photo of close-up view
10 of ceiling electronic video device within
11 Jackson's master bedroom suite 12361 12363
12 447 Affidavit of custodian of
13 records for Exhibit No. 448 12348
14 448 Brad Miller phone records
15 for Pay Less Cellular 12346 12346
16 449 Mark Geragos phone records 12348 12350
17 460 Phone link chart prepared by Craig Bonner 12350
18 901 Brad Miller e-mails to
19 Geragos 12333 12333
20 903 Copies of documents from William Dickerman's office
21 containing communications between Dickerman and
22 Geragos 12278 12294
23 904 Copy of records from Dino's Moving & Storage 12233 12235
24 905 Copy of inventory made by
25 George Erwin 12241 12256
26 906 8-28-98 - Janet Arvizo's Kaiser Permanente
27 medical records 12272 12272
28 12211

1 E X H I B I T S (Continued)
2 FOR IN DEFENDANT'S NO. DESCRIPTION I.D. EVID.
3
4 5109 West Covina Police Department records for
5 David Arvizo 12217 12220
6 5110 West Covina Police Department records for
7 Janet Arvizo 12217 12220
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 12212

THE COURT: Call your next witness.
Please remain standing. Face the clerk and
raise your right hand.

DONNA AGGERS
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and
spell your name for the record.
THE WITNESS: My name is Donna Aggers.
D-o-n-n-a, A-g-g-e-r-s.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Good morning.
A. Good morning.
Q. What is your current occupation?
A. Records supervisor at the West Covina Police
Department.
Q. How long have you held that position?
BAILIFF CORTEZ: Your microphone's not on.
Q. BY MR. ZONEN: For what period of time have
you held that position, records supervisor?
A. West Covina, since August.
Q. And this is the West Covina Police
Department; is that correct? 12213

A. Yes.
Q. West Covina is located in Los Angeles County?
A. Yes.
Q. Were you asked to do a records check to determine the time, release time, on a person who had been taken into custody at West Covina City Jail?
A. Yes.
Q. Was that person David Gavino Arvizo?
A. Yes.
Q. Do you have those records with you?
A. Yes.
Q. All right. And is this an arrest that occurred on or about the 28th of August of 1998?
A. Yes.
Q. All right. Can you tell me when that person was booked into the jail and when he was released?
A. He was arrested at 1813 hours, booked in the jail at 2145 hours, and released on that same evening at three minutes after midnight.
Q. So three minutes after midnight on the 28th?
A. On the 28th.
Q. So he was brought in on the 27th?
A. 27th, right.
Q. And released three minutes after midnight on the 28th?
A. Right. 12214

MR. ZONEN: Thank you. I have no further questions.
MR. SANGER: Excuse me one second. There was a change in the order of witnesses. I apologize.
Miss Frey, do you have the West Covina records? They were the ones that Steve Dunkle came over and looked at and got a copy of yesterday. Perhaps we should hand it to the Judge first.
Your Honor, I was going to ask that -- there were records that were subpoenaed from the West Covina Police Department by the defense, and I believe they were --
THE COURT: There's a return.
MR. SANGER: -- handed to you there by the clerk.
THE COURT: Yes.
MR. SANGER: And I would like to have those records marked as defense next in order.
THE COURT: Did you want me to open them? I'm not quite sure why you handed me --
MR. SANGER: Yes, well, in case there was any question. I would like them opened. I believe they were opened previously.
THE COURT: They do not appear to have been previously opened.
MR. SANGER: All right. Maybe that's a 12215

different set. So let's live dangerously and find out what's in the envelope if we may, Your Honor.
THE COURT: All right. They appear to be West Covina City Jail booking records with the appropriate subpoena attached and the declaration of business records.
MR. SANGER: All right. May I approach and check that out?
THE COURT: I'll let you decide how you want them marked.
MR. SANGER: Please. Before they're all stapled together, there might be two groups. Let me take a quick look, if I may. Thank you. I think the most appropriate thing to do, Your Honor, now that I look at them, there appears to be, in the materials handed to counsel, the subpoena and then the declaration, and then there appears to be a set of records pertaining to Janet Arvizo and another set pertaining to David. I would be interested in marking as separate exhibits the set pertaining to Janet and the other set pertaining to David, and then it would be up to the Court and counsel as to what should be done with the other documents. I don't think they're relevant, except for foundation.
THE COURT: All right. I'll have them marked separately as you've requested.
MR. SANGER: And then the other documents 12216

would be lodged with the envelope and would remain with the court files.
THE COURT: That would be fine.
THE CLERK: David's records are 5109 and Janet's records are 5110.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Okay. Miss Aggers, sorry to keep you sitting there?
A. That's okay.
Q. I see you brought some papers with you. Is that a copy of the same thing that was provided directly to the Court?
A. Yes.
Q. All right. And you have reviewed the records to testify to what you told us just a little while ago; is that correct?
A. Yes.
Q. In other words, you wouldn't remember off the top of your head everybody's booking information?
A. No.
MR. SANGER: All right. I would like to approach, if I may, Your Honor, with 5110, and show the witness this packet of information.
THE COURT: You may.
MR. SANGER: That's the -- Janet. 12217

MR. ZONEN: Yes, go ahead.
Q. BY MR. SANGER: Did you have occasion to review the information pertaining to Janet Arvizo?
A. Briefly, when I sent this to the court.
Q. All right. So you were the actual person that sent this in, then?
A. That's correct.
Q. Okay. And those records are, in fact, true and correct records of the West Covina City Jail?
A. Yes.
Q. And they're kept in the ordinary course of business as official police records; is that correct?
A. Yes.
Q. And similarly, the records that you provided with regard to David Arvizo, which I've marked as 5109, would also be true and correct records of the West Covina City Jail, and they are official police records; is that correct?
A. Yes.
Q. Kept in the ordinary course of business?
A. Yes.
Q. All right. So let's take a look at 5109. And I'm going to ask if you can tell, by looking at that packet, when Janet Arvizo was booked into the West Covina City Jail.
A. 5110? 5109?
Q. I'm sorry, you're right. 5110, I'm sorry. 12218

Let me restate it, just so we're clear.
Taking a look at 5110, Exhibit 5-1-1-0, can you tell from those records when Janet Arvizo was booked into the West Covina City Jail?
A. Yes.
Q. And when was that?
A. She was arrested at 1800 hours. And she was booked in the jail at 1948 hours.
Q. Okay. And is there a different place to book in females than males in that jail?
A. It's the same place.
Q. Same place. So you go into the booking area and people are processed as they go through; is that right?
A. Right.
Q. So it appears that Janet Arvizo was booked into the jail before David Arvizo; is that correct?
A. That's correct.
Q. And what time does it show she was released?
A. At 2115 hours.
Q. So she was released before David Arvizo; is that correct?
A. Yes. Yes.
MR. SANGER: All right. Now, may I approach just to make sure we're literally on the same page, here?
THE COURT: Yes.
MR. SANGER: They have this in a different 12219

order for some reason. Excuse me one second, Your Honor.
Okay. First of all, Your Honor, I'd like to move into evidence 5109 and 5110 if I can, please.
THE COURT: All right. They're admitted.
MR. SANGER: And I think the easiest way to do this, because we have different pagination here, would be to put this up on the board, if I may, and so I'd ask to show 5110, if that's all right.
THE COURT: Yes.
Q. BY MR. SANGER: First of all, in these records with regard to Janet Arvizo, is there any indication that Janet Arvizo was beaten up?
A. I didn't see any indication of that.
Q. Okay. And I'm going to turn to -- two, three, four, five, six, seven -- I'm going to turn to page seven and put that up, with the Court's permission.
THE COURT: Yes.
Q. BY MR. SANGER: And again, this is of 5110. Excuse me.
This form, are you familiar with this particular form?
A. Yes.
Q. How many years have you worked for West Covina?
A. This is my first year with West Covina.
Q. Have you worked elsewhere? 12220

A. Yes.
Q. During your year, have you become familiar with these forms at the West Covina Jail?
A. Yes.
Q. Okay. And is that one of the standard forms?
A. Yes, it is.
Q. And it says, “County of Los Angeles Sheriff’s Department.” Does West Covina have a independent -- an independent police department, or is it part of the sheriff --
A. Independent police department.
Q. And is the jail facility run by the sheriff or the police?
A. Police department.
Q. Okay. So for some reason you’re using an L.A. County Sheriff’s Department Medical Receiving Screening Form; is that correct?
A. Yes.
Q. And that’s something you use in the ordinary course of business there, right?
A. Right.
Q. And what is the purpose of this particular form?
A. Basically to screen the incoming in-custodies to make sure there are no medical problems that you need to be aware of.
Q. Can you go a little closer to the right 12221

1 microphone there? Everyone has this problem,
2 especially when we ask you to turn around. Sorry.
3 All right. So, you want to find out if an
4 inmate comes in and they're suffering from any kind
5 of injury; is that right?
6 A. That's correct.
7 Q. Because you want to make sure that they
8 either have medical attention or something happens
9 so they're not just put in the jail and have a
10 further problem, right?
11 A. Right.
12 Q. If somebody was severely beaten, for
13 instance, you would want to know that when you book
14 them in, correct?
15 A. Correct.
16 Q. The first question on this form is, "Do you
17 require any medical attention?" And in Janet
18 Arvizo's case, it's checked "No"; is that correct?
19 A. That's correct.
20 Q. And then at the bottom of this form, there
21 is a place there for "Inmate Signature"; is that
22 correct?
23 A. Yes.
24 Q. And I know you're not a handwriting expert,
25 but you would expect that the inmate, in this case
26 Janet Arvizo, is the one that signed there; is that
27 right?
28 A. That's correct. 12222

Q. And before somebody's booked into the jail, unless they're unconscious or something else is going on, they're required to sign this form in the presence of an officer; is that right?
A. That's right.
Q. Okay. Now, if we look at the page preceding that, there's a form here entitled, "Officer's observations"; is that correct?
A. Yes.
Q. And is this also a form that's used in the ordinary course of business there at the West Covina City Jail?
A. Yes, it is.
Q. And what is the purpose of this form?
A. The same as the previous form. It's just more in-depth, to see if there's any observation that the jailer or officer would have indicating injuries.
Q. And who is the one that actually fills out this form?
A. The jailer.
Q. Okay. And the jailer is somebody whose job it is to take people in and process them into the jail; is that correct?
A. That's correct.
Q. So when you have somebody -- when you say "jailer," you have a booking officer who's assigned to take people in, fill out their paperwork, 12223

1 correct?
2 A. Right.
3 Q. And that person is also supposed to observe
4 the individual to see if they have any visible signs
5 of injury, correct?
6 A. That's correct.
7 Q. And they look not only for actual injury,
8 but they look for symptoms of drug withdrawal,
9 mental illness issues, other issues; is that
10 correct?
11 A. That's correct.
12 Q. And once again, they are concerned to make
13 sure that they're not checking somebody in who has
14 injuries that may not be readily visible; is that
15 right?
16 A. That's right.
17 Q. All right. In this -- in this particular
18 case, it says, "Deputy Completing the Form," and
19 there's a deputy's name there; is that right?
20 A. Yes.
21 Q. With a badge number or employee number?
22 A. Yes.
23 Q. And that would be -- that would indicate
24 that that individual, whoever it is, did that
25 screening when Janet Arvizo came into the jail,
26 correct?
27 A. That's correct.
28 Q. And it says the form is "Approved By" -- it 12224

looks like a doctor down there. Does that mean the doctor actually conducted an examination of the person?
A. I don't believe so.
Q. All right. So the doctor signs off in general, saying that, you know, he's looked at the form and it looks okay, and this -- as he goes through this night's paperwork, it looks okay; is that right?
A. Yes.
Q. And in this particular case for Janet Arvizo, there is a "No" checked in each of the categories on the form; is that right?
A. That's correct.
Q. And the way it works there, if you have a "No" in every category, that means that the person doing the actual booking has not seen any indication that there's anything physically wrong with the person or anything that would require medical or psychiatric attention at that time; is that correct?
A. That's correct.
MR. SANGER: If you could leave it on for just one second.
Q. All right. And then there are also other questions -- and I'm going to turn to another page in just a second. But there are other questions that are asked to evaluate a person's mental level -- let me withdraw that. 12225

There are other questions that are asked to determine a person's level of mental functioning; is that correct?
A. That's correct.
Q. So you want to see if you have someone who's developmentally disabled who may, you know, not really be understanding what's going on; is that right?
A. That's correct.
Q. And again, in this case, it appeared that Miss Arvizo was, according to the records, was functioning at an appropriate level; is that correct?
A. Yes.
Q. Then there's a property inventory showing what property was on the person's -- on the person of the individual who was being booked into jail; is that correct?
A. That's correct.
Q. All right. Now, is there also a process for obtaining a booking photo?
And just as the lights go on, that's what I'm going to put up. Anyway, if I may, Your Honor, I'm going to put up the booking photo.
Is there a process for obtaining a booking photo?
A. Do you mean during the booking process?
Q. Yes. 12226

A. It's just done during the course of the booking.
Q. Yes. Okay. So during the booking, you take a photograph of the individual, correct?
A. Right.
Q. And in this case there is a photograph as part of the records, here, of the West Covina City Jail, correct?
A. That's correct.
Q. And if there were particular -- let me withdraw that.
If you had an individual who had -- well, let me withdraw that and just put this up. This is the last page of the exhibit.
Is that a true and correct copy of the booking photo that was taken at the time that Miss Arvizo was arrested?
A. Yes, it is.
Q. And by the way, both Mr. and Mrs. Arvizo, both Janet and David Arvizo, show as their residence address 12643 Ramer in El Monte; is that correct?
A. I don't have her copy in front of me, but his address shows that.
Q. All right. Let me show you this. And I'll just put it up on the board, if I may.
A. Yes, it shows the same address.
MR. SANGER: Excuse me one second. I think somebody was trying to get my attention. 12227

(Discussion held off the record at counsel table.)
MR. SANGER: Okay. And, Your Honor, I think I offered both and they were received; is that correct?
THE COURT: That's correct.
MR. SANGER: So I have no further questions. Thank you.
THE COURT: Are there Social Security numbers on that?
MR. ZONEN: We'll take a look at it. If there are, we'll delete it.
MR. NICOLA: There are; halfway down on the left.
MR. SANGER: Oh, there is. Hard to read. I apologize, I put it up. I don't know if I got that whole thing up there.

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Do you know if Miss Arvizo was actually put into a jail cell?
A. I don't know that.
Q. If somebody is arrested and kept for less than two hours on a misdemeanor, where are they processed?
A. They may be placed in a cell temporarily.
Q. Okay. Is there a reception center that they 12228

would be taken to?
A. There is.
Q. So they wouldn't go through the whole process of actually changing clothes into the jail garb, would they?
A. Not for a misdemeanor.
Q. Not for a misdemeanor.
And do you know if she was released on O.R., own recognizance, or she posted bail of any kind?
MR. SANGER: Objection; relevance.
I'm sorry. Objection; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: This appears to be a fairly prompt processing of an inmate; would that be your opinion?
A. It would be.
MR. ZONEN: All right. I have no further questions.
MR. SANGER: I have just one question, I think, just to clear this up.

RECROSS-EXAMINATION
BY MR. SANGER:
Q. You said they are booked on misdemeanors; is that right?
A. Yes.
Q. And a misdemeanor is a crime?
A. Yes. 12229

Q. It's not like a traffic violation. It's an actual crime in California; is that correct?
A. That's correct.
MR. SANGER: All right. Thank you.

FURTHER REDIRECT EXAMINATION
BY MR. ZONEN:
Q. I'll reask the question. Was she released on O.R. or did she post a bond?
MR. SANGER: Objection; relevancy.
MR. ZONEN: It's relevant given the last question.
THE COURT: Sustained.
MR. ZONEN: No further questions.
MR. SANGER: And obviously no further questions.
THE COURT: You may step down.
Call your next witness.
MR. SNEDDON: I'll call George Erwin.
THE COURT: Come forward, please. When you get to the witness stand here, remain standing. Face the clerk over here and raise your right hand.

GEORGE ERWIN
Having been sworn, testified as follows:

THE WITNESS: I do. 12230

THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is George Erwin. G-e-o-r-g-e, E-r-w-i-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Good morning, Mr. Erwin.
A. Good morning.
Q. And the microphone that you want to use is the one over there. Yes, sir. And lean into it, because we'll want everybody to hear what you have to say.
You have a business in the Los Angeles area, correct?
A. That's correct.
Q. And what is the name of that business?
A. It's Dino's Moving & Storage.
Q. And how long have you been associated with Dino's Moving & Storage?
A. Oh, 25, 30 years.
Q. It's a family business?
A. It's a family business.
Q. Passed on to you and your brother?
A. Correct.
Q. And where is this? Give you a little free advertising. Where is it located? 12231

A. It's in North Hollywood.
Q. So could you give us a brief description of what the nature of this moving and storage business is that you have?
A. We are a third-generation family business, referral-based, residentially oriented. We move homes, and store as incidental to moving. We do packing and relocating of homes.
Q. And when you are asked to store items, do you have a storage facility that you use to do that?
A. Yes, we do.
Q. Is that located at your headquarters?
A. Yes, it is.
Q. And could you just describe generally to the ladies and gentlemen of the jury what your storage facilities are?
A. Our storage facility is a 12,500-square-foot concrete tilt-up warehouse. It's a state-of-the-art building. It is high security; motion detectors; wired into the police and the fire department. Inside the warehouse, we have hundreds of vaults. Vaults are large wooden cubes approximately five feet by seven feet by eight feet tall. They stack three high. We have approximately 330 vaults in the warehouse.
Q. Okay. Now, were you asked to come to court here today and to bring some records in connection with the storage of some items under the name of an 12232

individual by the name of Bradley Miller?
A. Yes, I was.
Q. And did you bring your file?
A. Yes, I did.
Q. And you have the original documents in the file; is that correct?
A. I do.
MR. SNEDDON: Okay. Your Honor, may I approach?
THE COURT: Yes.
MR. SNEDDON: I'm just going to show them to counsel.
MR. SANGER: I don't want to interfere with counsel, but would it be appropriate for me to look at them at the same time?
MR. SNEDDON: I was going to bring them to you.
MR. SANGER: Oh. Then that's even better. If I could have just a moment, Your Honor. May I just have a second?
(Off-the-record discussion held at counsel table.)
MR. SNEDDON: All right. Your Honor, with the permission of counsel, I believe that -- let me ask the witness for foundation, and then we'll just make the offer.
Your Honor, I'm going to have a set of documents marked as People's No. 904 for 12233

identification purposes. Where shall I put it?
Q. Mr. Erwin, you were kind enough to bring your original documents on the Bradley Miller file to the court, correct?
A. That's correct.
Q. You also made copies of the originals that are in your file, correct?
A. That's correct.
Q. And have you had a chance to compare the copies that you made with the originals in your file?
A. Yes, I have.
Q. And they're accurate with regard to the -- they're accurate with regard to the originals. They're duplications of it, correct?
A. Yes, they are.
MR. SNEDDON: Your Honor, I would move --
Q. And these are kept in the normal course of business at your establishment?
A. Yes.
Q. And they're prepared at or about the time of the transaction?
A. Correct.
Q. And they're used in the conduction of business for you; is that correct?
A. That's correct.
MR. SNEDDON: Your Honor, I would move that Exhibit 904 be admitted. And we used the copies and 12234

we'll allow the witness to take the originals back to his office.
MR. SANGER: With the exception of the word "conduction," I would not have an objection.
THE COURT: They're admitted.
And the agreement is you may take the originals back.
MR. SANGER: I would like the witness to keep the originals there until I finish cross-examination.
THE COURT: Exactly.
Q. BY MR. SNEDDON: I'll try not to use any more bad grammar in my questions to you.
All right. Your Honor, is the Elmo on the right -- it should be, I think.
Mr. Erwin, I'm going to put these documents up and just ask you a few quick questions about it, all right?
A. All right.
Q. And you have the originals in front of you, so if you need to look at them, but I think you should be able to see from the board.
The first document I'm going to place up has the actual tag "904" on it.
Now, with regard to this document, does this document have a title?
A. Yes. This is a bill of lading.
Q. And what purpose does it serve? 12235

A. It serves as a -- an accounting of where we -- of origin and destination, and a time ruler across the top for the time of arrival, time at a location, transportation time to destination or next pick-up or delivery. So it's a time accounting and geographical locations.
Q. All right. If we could just scoot that document down a little farther so we could see the top of it.
No, the other way.
All right. It has a No. 5020 in the upper right-hand corner. What is that? That's just the receipt number?
A. That's just random printing -- it's a random print number. When these are printed, they routinely do sequential numbers.
Q. Underneath that is a date, or is a series of numbers, "3-1-03." What is that?
A. That would be the date of the -- that this activity took place.
Q. And then on the left-hand side of the exhibit, "From," has the name "Brad Miller." Would that be the person that you were doing business with?
A. That's correct.
Q. And underneath that is an address that's on Soto Street, and an apartment number. What would that indicate? 12236

A. That would be the pick-up location.
Q. Okay. And then where it says, “To,” what does that information indicate?
A. The “DMS” is our in-house -- it stands for Dino’s Moving & Storage. The Lot No. 439, which is a number -- it’s comparable to an account number that we assign whenever we bring a lot into storage.
Q. Okay. And then there is a part of the form that is not prefabricated or preprinted, with a “CK#1477.” What does that indicate, if you know?
A. That means that the charges on the bill of lading were paid with that check number.
Q. Okay. Now, on -- where it indicates “From: Brad Miller,” there is information there with a name and a phone number. What is the purpose of that information?
A. That’s a contact name, where it says, “See Asaf,” I believe.
Q. Okay.
A. Apparently they’re a representative of Brad Miller’s or -- or I don’t know. That would be the contact person to see there.
Q. Okay. Let’s go to the next document. And this one, what is this particular document?
A. All right. This is a service agreement. It goes hand in hand with the bill of lading. And it -- it simply -- it states the -- as a service 12237

contract, it states the itinerary for the job, which would be in this case a pick-up location, and bringing the shipment to Dino's Storage. It's assigned as Lot No. 439. States the hourly rate at which we'll proceed.
Q. Okay. And this was also filled out on March 1st of 2003, correct?
A. That is correct.
Q. All right. Let's go to the next document. This document has a "5025" at the upper right-hand corner and a series of numbers, "3-5-02," underneath it. What is this document?
A. This is another bill of lading that was issued for a continuation of the job.
Q. Now, I noticed that the first document had "03" and this one appears to have "02." Is that a "2" or a "3"?
A. Right, we do not use those numbers in our system.
Q. What do you mean by that?
A. You're referring to the "5025" in the top right-hand corner?
Q. I'm referring to the "3-5" and what appears to be "02."
A. Well, it should be "03." I don't know if it's an error or it's just illegible.
Q. But this transaction, this series of transactions, occurred in '03, correct? 12238

A. That's correct.
Q. Now, on this particular document is another group of writings that are placed on it, and it looks like a dollar sign.
What does that information on the right-hand -- middle right-hand side of the document indicate?
A. That's payment information again.
Q. For the services you provided?
A. Correct.
Q. The payment by check?
A. Correct.
Q. Okay. Let's go to the next document.
May I approach the witness for a moment, Your Honor? It appears that there's one page missing.
THE COURT: Yes.
MR. SANGER: Perhaps I could have a moment, too, so I can figure out what's going on.
MR. SNEDDON: I'll show counsel what I think is missing from the exhibit.
(Off-the-record discussion held at counsel table.)
Q. BY MR. SNEDDON: Mr. Erwin, in your original documents -- well, let me put it this way. Let me just do it so we have it in evidence.
That's good. Well, drop it just a little bit. There. 12239

This document has a “No. 439” in the upper right-hand corner, correct?
A. Correct.
Q. Okay. And it has a date of “3-1-03” on it, correct?
A. That’s correct.
Q. Could we scoot the exhibit up just a little bit? All the way, so we -- okay. Keep going. All right. That’s good.
All right. Now, the information that’s contained on the bottom portion of this exhibit that is part of 904, what is this information?
A. That is an inventory of the items that we picked up.
Q. Now, what I want to ask you is, it appears on the right-hand side that there’s -- it says, “Pick-up, 3-4-03.” Do you see that?
A. Yes, I do.
Q. Was there more than one pick-up of goods at this particular location?
A. There were two -- there were two pick-ups.
Q. When was the first one?
A. The first one was on 3-1-03, and the second one was on 3-5-03.
Q. Okay. Now --
A. So that should read “3-5-03” for the second pick-up there.
Q. Now, is there a document in your original 12240

files that reflects just what was picked up the first day, on 3-1-03?
A. Well, that document shows that.
Q. That shows -- okay.
Let me approach, if I might, Your Honor, just so counsel and I can get this straightened out.
(Whereupon, an off-the-record discussion was held between Mr. Sneddon and the witness at the witness stand.)
MR. SANGER: I was going to say, could we do it on the record so we all hear it, I guess is what I was going to ask.
MR. SNEDDON: I'm going to have a document marked as 905 for identification purposes, Your Honor. I'll show it to counsel.
(Off-the-record discussion held at counsel table.)
MR. SNEDDON: May I approach the witness and ask him some questions about Exhibit 905, Your Honor?
THE COURT: Yes.
Q. BY MR. SNEDDON: Mr. Erwin, do you recognize the exhibit that I've shown you as 905?
A. Yes, I do.
Q. Do you find the original of that document, 905, in your file presently, currently?
A. Yes. I have the original document that this was copied from after the first stage in the 12241

development of the original.
Q. Okay. Would that be the exhibit that's on the board right now?
A. No, sir, that is -- the exhibit on the board now is a complete document. This is a copy after the first pick-up. It's a copy of what -- of the inventory at the time of the first pick-up.
Q. Okay. So that document -- go ahead.
A. And before we were called back to -- for the second pick-up.
Q. So that document - and by "that," I mean 905 - reflects the items that were picked up on the first occasion, on March 1st?
A. Yes.
Q. All right.
A. I probably -- I probably made a copy -- when I knew that this original was going to go back out for a continuation of additional items, as a caution, I made a copy of the original for myself --
Q. Okay.
A. -- to keep in the office, which I don't have in my file because you have it.
Q. Thank you for sharing.
MR. SANGER: The problem is, I don't have it either, so I'm just a little bit lost here. Perhaps I could have just a moment with counsel to ask a question off the record?
THE COURT: All right. 12242

(Off-the-record discussion held at counsel table.)
Q. BY MR. SNEDDON: Okay. Mr. Erwin, the document that you have in your hand is 905, and that reflects the items that were picked up on the first time, on March 1st, 2003, correct?
A. That's correct.
Q. All right. Now, the item that's on the board that the ladies and gentlemen of the jury are now viewing, that is a compilation of what was picked up on both the first time and the second time; is that correct?
A. That's correct.
Q. And that's an itemization, correct?
A. Yes, it is.
Q. And I noticed that in the column to the far left of each of those items, there's a little "X." Do you see that?
A. Yes, I do.
Q. What is the purpose of that "X" on the document?
A. That "X" is -- is -- is placed there when the item is checked off at the time that it leaves storage.
Q. Okay. So when you release these items, that's how you determine and document what you gave back?
A. That's correct. It's checked off as it goes 12243

1 out of storage.
2 Q. All right. Now, does your file reflect the
3 date in which these items were released?
4 A. Yes.
5 Q. And what was that date?
6 A. That would be October 1st, 2003.
7 Q. And that would be to a Major Jay Jackson and
8 a Janet Arvizo, correct?
9 A. That's correct.
10 MR. SNEDDON: Your Honor, if I haven't, I
11 move that 905 be admitted into evidence.
12 MR. SANGER: I have a problem. As far as I
13 can tell, it wasn't provided in discovery, and it's
14 not -- it's a copy that seems to be a fax Xeroxed
15 copy of something that's not in the witness's file.
16 So I'd like to have an opportunity to get a copy of
17 it, number one, and number two, ask some questions
18 before that's received.
19 THE COURT: All right. I'll withhold ruling
20 until he's had a chance to ask some questions.
21 MR. SNEDDON: That's fair enough.
22 Judge, has 904 been moved into evidence?
23 THE CLERK: Yes.
24 MR. SNEDDON: It has?
25 THE CLERK: Yes.
26 MR. SNEDDON: Thank you, ma'am.
27 I have no further questions, Your Honor.
28 MR. SANGER: To expedite -- this is yours. 12244

This is mine. Okay.
Excuse me one second. This is the entire exhibit here, 904?
MR. SNEDDON: As far as I know.
MR. SANGER: Okay. Fine.
Your Honor, could I ask to retrieve 905 and see if there's somebody available, with the Court's permission, to make a copy for both the parties? It might make it easier.
THE COURT: Okay. Thank you.
MR. SANGER: Could the court staff do it? The D.A.'s offered, but whatever is quickest.
THE COURT: That's what I say. Whatever is quickest.
MR. SANGER: It's been returned to me to hand to the bailiff, and --
THE BAILIFF: Just one of each?
MR. SANGER: No. Two. One for each side, for two of us.
THE BAILIFF: It will be on yellow paper.
THE COURT: Yes.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Let me ask you a few questions here while we get that copied, and then we'll go through some of your documents with a couple other questions. First of all, I think you said you're the 12245

1 owner and the proprietor of Dino's Moving & Storage;
2 is that correct?
3 A. That's right.
4 Q. And you mentioned it's a family business?
5 A. Yes.
6 Q. This is a business that belonged to your
7 parents at one time?
8 A. My Uncle Dino.
9 Q. Your Uncle Dino?
10 A. Yeah.
11 Q. All right. And your brother and you now are
12 the principals in the business?
13 A. Yes, we are.
14 Q. And how long has the place been in
15 existence?
16 A. The facility that we're currently at?
17 Q. The business.
18 A. The business? Well, it started with grandpa
19 in the '50s, and Dino jumped in in the late '60s.
20 John and I got involved in early to mid-'70s.
21 Q. All right. And from what I gathered from
22 the way you started out, you're rather proud of the
23 business?
24 A. We are.
25 Q. Good.
26 A. We're very successful. We're referral-based
27 only.
28 Q. I heard that, and I was going to ask about 12246

that. You're saying referral-based. So you don't really put out a lot of advertisements. You get referrals from satisfied customers and others; is that correct?
A. That's correct.
Q. And you are bonded and licensed; is that right?
A. We're licensed by the State of California Public Utilities Commission.
Q. In order to maintain that license, do you have to meet certain standards?
A. Yeah, definitely, you must comply with the minimum requirements for insurance, property -- property and liability insurance, as well as workers' comp.
Q. And if you maintain a professional operation, you can keep your license, I take it?
A. Yes.
Q. And you have kept your license with the Public Utilities Commission of the State of California for how long?
MR. SNEDDON: Your Honor, I'm going to object to this as being immaterial and irrelevant.
THE COURT: Overruled.
THE WITNESS: Oh, we -- our current license was obtained in 1984, and it's been in place since then.
Q. BY MR. SANGER: All right. And do you have 12247

to -- when you say “insurance,” I asked about bonded. You have to have adequate insurance to cover any liability for any malfeasance on the part of Dino’s, if there is any; is that right?
A. Yes.
Q. All right. And your job -- well, let me put it this way: The work of Dino’s Moving & Storage is to assist people in actually moving from one location to another in some cases; is that right?
A. Yes.
Q. So you have moving vans, and you have movers who do their thing; is that right?
A. That’s it.
Q. And you also have the storage facility you told us about where you can store people’s valuables for them; is that right?
A. Correct.
Q. All right. Now, in this particular situation, you’ve looked at your records, which you brought with you, and it appears that there was an initial engagement of your services for the date of March the 1st, 2003, correct?
A. Yes.
Q. And there were services performed on that date; is that correct?
A. Yes.
Q. Can you tell us what services were performed? 12248

A. Items 1 through 20 on the inventory were picked up. They were tagged, inventoried, loaded onto the truck, and stored in the warehouse.
Q. All right. So if I put up page four of the exhibit, which I'll just move to the top there, this is your warehouse receipt; is that right?
A. That's correct.
Q. And so you said Items 1 through 20. Do we have our pointer?
A. No, it would be 1 through 19. And Number 20 would be the starting number on March 5th.
Q. All right. So what we see here, it is blurry. Either that or my vision is going, here. But right down this line here, it says 1 through, and it -- apparently the first number is cut off, but that would be 19 right there.
A. Yes.
Q. It says, "Small box"?
A. Correct.
Q. And then somebody wrote a "2" in next to the zero on this; is that correct?
A. Right. That's how we use this form.
Q. All right. On your original, is it cut off, or is that the way -- it just goes 1 through 10 repeatedly. I guess it does, doesn't it?
A. It's -- it goes 1 through -- yeah, 1 through 10 without the 1.
Q. 1 through zero and then 1 through zero? 12249

A. Right.
Q. So now that I figured that out -- all right.
And it isn't cut off. It's just not there. So this one right above the 20 is where it cut off?
A. That was the last item on 3-1-03.
Q. Okay. The people that went to move this out of the location were there for how long; do you know?
A. I need to reference the bill of lading and I can tell you.
Q. So would that be -- let me guess. Is that this one?
A. Yes, that's the one.
Q. That's the one, okay. So the people who came to do this move would have come to the apartment on Soto Street, right?
A. Correct.
Q. With a truck, and they would have picked up whatever is there, correct?
A. Yes. They arrived at 8:15. They loaded until 9:30. They drove to the warehouse, stopped for 15 minutes to -- for a break, and unloaded at the warehouse from 10:30 to 11:00.
Q. All right. I was just pointing up there, so I want to make sure I got this right. This is -- do you count portal to portal? In other words, they start the clock running when they drive from the warehouse to the location? 12250

A. No, generally -- well, yes, with storage --
with storage we do.
Q. All right. So 8:15 is when they would have
left the warehouse, correct?
A. 8:15 is when they arrived at origin.
Q. So you have some other time showing when
they --
A. Right. Seven o'clock.
Q. Okay.
A. There's a little -- there's an indication at
seven o'clock with a "WH" above the time ruler.
That's the time they left the warehouse.
Q. You're looking at the original, and you can
read what I'm showing with the pointer. There is
"WH," warehouse, "7:00." 8:15 is the time that they
arrive at the location?
A. Correct.
Q. And then they load from 8:15 to 9:30,
correct?
A. Yes.
Q. And then 9:30 to 10:15 is driving back to
the warehouse?
A. Yes.
Q. And they take a break, represented by the
"X," correct?
A. Correct.
Q. And then they offload the materials from
10:00 -- what is it? 10:30 to 11:00, correct? 12251

A. Yes.
Q. All right. Now, when you look back at this -- do you charge for packing if your people have to go pack stuff up?
A. Yes, we do.
Q. Can you tell whether or not your people had to pack stuff up?
A. It doesn't look like it, because there's no materials listed on this bill of lading in the section to itemize materials.
Q. Yes. If you look up here on the bill of lading, this area, you would have packing materials and that sort of thing; is that correct?
A. That's correct.
Q. All right. And when you look at page four, which I'm putting up again with the Court's permission --
THE COURT: Go ahead.
Q. BY MR. SANGER: If I may do it retrospectively, it appears that the first five items there, it says, "Wardrobe"; is that correct?
A. Yes.
Q. So that would represent things that are in a wardrobe kind of a box; is that right?
A. That's correct.
Q. And then you have 6 through 10, it says, "Small box." So it indicates things were packed in small boxes; is that right? 12252

A. Right. And No. 11 is a large box.
Q. Okay.
A. And No. 12's a four-foot-five cubic-foot box. Number 11 and 12 are large boxes. 13, 14 are -- well, 13 is a dining table. 14 and 15 are dining chairs. 16 is a picture. And 17's a picture. 18's a large box. 19's a small box.
Q. All right. Now, as a part of being licensed and taking pride in your business, you would expect your employees to accurately record what they load on and off the truck, correct?
A. Absolutely.
Q. And you would expect them to deliver to the destination, in this case the warehouse, exactly what it is that they picked up when they got to the place where they're picking the things up, right?
A. Yes.
Q. Okay. Now, I don't mean to insult you, but, I mean, that's an important part of your business, is making sure --
A. Absolutely.
Q. All right. Now, this other document, which was marked as 905, it hasn't been admitted yet, do you have any idea where that came from?
A. It's likely that I made a copy of this inventory when I knew that -- that we were going to have to go back to get -- to finish the job. And so subsequent to -- well, no, prior to sending this 12253

document, this original document inventory, I made a copy of the -- of the inventory as it -- as it existed on -- after 3-1 and prior to 3-5.
Q. So --
A. Because --
Q. But you didn't keep a copy in your file?
A. Well, I did. And that's where that came from. But I was visited by a couple of gentlemen from the District Attorney's Office that asked for copies of my file. And it seems to me that I gave them that copy without noticing that it was not a complete copy.
Q. In any event --
A. I probably assumed at the time that -- well, here's a copy of the inventory in my file. You can have this one, rather than making a copy. I had over -- it seems to me that I must have overlooked the fact that that was a copy of -- a freeze frame picture in the middle of the job, after Stage 1 and before Stage 2.
Q. That's okay. That's fair enough. I'm just trying to find out, because it's obviously -- we want to make sure it's accurate here.
And you're basically saying, now that you compare it, it looks like that was the freeze frame after the first move, right?
A. Right. And I can also tell there's something on that document that's not on the 12254

original, which is -- it has a fax stamp across the top, and it has a signature under -- where the contract signature belongs in the middle of the page, where it says, “Per G.E.”
Q. Yes.
A. “G.E.” are my initials. My foreman, who executed Stage 1 here, on the -- March 1st, got a signature in the bottom left-hand corner, but didn’t get a signature in the middle of the page where the “X” is. So I put “Per G.E.,” acting on behalf of Brad Miller, who hired me to do this job. And subsequently I must have faxed that copy to Brad Miller to have him sign the contract line, because it’s signed on that copy.
Q. Okay. Is Brad Miller a personal friend of yours, by the way?
A. No.
Q. Was he just a customer?
A. I don’t know him.
Q. Don’t know him at all?
A. No. I know his assistant was a long-time client of Dino’s.
Q. Long-time client of your company?
A. Yes.
Q. Okay. I couldn’t hear what you said. All right. But you didn’t know Brad Miller himself. All right. So the mystery is going to come to a close here somehow or another. This is 12255

the page from 904 and it shows, “Per G.E.”
Your Honor, I’m going to withdraw my
objection to the admission of 905.
THE COURT: All right. It’s admitted.
MR. SANGER: And then I’ll ask to put it up,
if I may.
THE COURT: Well, all right. Go ahead.
MR. SANGER: Is that all right? Okay.
Q. What I’m going to try to do is put it up
next to this, so we get this over with here, if we
can. Is that all right?
THE COURT: The only reason that I hesitated
was the District Attorney was going to put it up and
ask some questions, and you requested to ask him
some questions before that, so if he has no
objection, then --
MR. SNEDDON: I’ll defer to counsel, Your
Honor.
THE COURT: All right. Go ahead.
MR. SANGER: Okay. Thank you. So -- all
right.
Q. If we put this up, that’s as wide as it gets
here, so I’m going to slide it over. But on the
right is 905, and on the left is the page from 904,
and you can see here what you were talking about
when you say this seems to be a freeze frame. It
doesn’t have the other items listed. It just goes
up to 19. But it otherwise appears to be a copy or 12256

a faxed copy of the same document pretty much, right?
A. Right.
Q. Now, when you say “pretty much,” it looks like somehow somebody got Brad Miller to sign this one, but he obviously didn’t sign the original, because the original that had the new things added on it still doesn’t have his signature on it, true?
A. True.
Q. If we look up here, though, it appears that this is actually a copy of the document in progress, because it has the same notations, the same slant of the writing and all that, right?
A. It is.
Q. Okay. There we go.
Now, the significance of this, I suppose, is that on 3-1, 905 is what happened, and we went over this with the boxes. So pretty much a bunch of boxes were picked up, a table, some chairs and a couple pictures, right?
A. Correct.
Q. All right. And it appears from this that somebody had already prepared this house for -- or this apartment for a move, and had boxed material up; is that correct?
MR. SNEDDON: Object. Calls for a conclusion and speculation.
THE COURT: Sustained. 12257

Q. BY MR. SANGER: In any event, it appears that somebody had boxed things or at least there were things in boxes by the time your people arrived?
MR. SNEDDON: I'm going to object to that also. No foundation.
THE COURT: Sustained.
Q. BY MR. SANGER: You indicated if your people had boxed things, that you would have had a notation on the --
A. Only if we used our materials. If there were existing materials there, which oftentimes when people are relocating they have some materials.
Q. All right. So --
A. So I wasn't there myself personally. So I don't know -- yeah, I don't know.
Q. So you don't know, all right. Whatever it was, the loading -- according to 904, the loading and if there was any packing, would have occurred between -- now I can't see anymore. What is that? -- 8:15 and 9:30, right?
A. Yes. It would -- if there was any packing, it would be incidental to loading.
Q. Okay. Now, it appears that on -- let's see, which one is which?
Yes, on page four of 904, there's a notation there, "3-4-03," and there's other documentation in here that indicates that actually the pick-up 12258

1 occurred on 3-5-03; is that correct?
2 A. Correct.
3 Q. All right. So your understanding, looking
4 at all the documents, is there was an initial move
5 of boxed materials and a couple tables, some chairs,
6 a couple pictures on 3-1.
7 And then 3-4, somebody came back, your
8 people came back and picked up a number of other
9 items; is that correct?
10 A. The actual pick-up, the second pick-up, was
11 on 3-5.
12 Q. I'm sorry, on 3-5. It says "3-4," but your
13 other records show it was actually 3-5?
14 A. Right.
15 Q. All of this went to your warehouse, then, on
16 3-5, right?
17 A. The second half went on 3-5.
18 Q. So all of it was in your warehouse by 3-5?
19 A. That's correct.
20 Q. And it was locked up and secure there?
21 A. It was secured in vaults.
22 Q. Was there any indication that anybody had
23 come to look at it or tamper with it between the
24 time it was placed there in early March and later
25 when it was removed?
26 A. No.
27 Q. And when was it removed?
28 A. On October 1st, 2003. 12259

Q. And you would not have expected, based on the professional running of your business, that anybody would have tampered with this material in any way from the time it was delivered to you to the time that it was picked up; is that correct?
A. It's not possible.
Q. So I said "Is that correct"? You're agreeing with me; is that --
A. That's -- yes.
Q. You're saying it's not possible that anybody would have tampered with it in between?
MR. SNEDDON: Your Honor, vague as to time as to what "in between" is.
MR. SANGER: I'm sorry, I'm clarifying the same question, but let me reask it so we have a good question.
Q. Between the time that the materials were delivered to you and the time when they were picked up by Janet Arvizo, or by Janet, whatever her name was at the time, Janet and Jay Jackson, in that time period was the material that was stored tampered with in any way?
A. No.
Q. Now, when you provide movers for moving purposes, do you ever provide cleaning services?
A. No.
Q. So --
A. We clean up our -- we pick up our own milk 12260

1 cartons.
2 Q. So if you have movers come in and they bring
3 their lunch, they'll take their lunch and the bag,
4 or whatever, and throw it away, right?
5 A. We hope they will.
6 Q. Okay. But you don't -- you don't have
7 somebody come in with a vacuum cleaner and vacuum
8 the apartment?
9 A. Generally not.
10 Q. Is that possible that could happen, or --
11 A. It's possible. But I know most of our men
12 would not want to do that.
13 Q. All right.
14 A. Because they're movers.
15 Q. Is there anything in your file to indicate
16 that there was -- there were cleaning services that
17 were provided?
18 A. Nothing to indicate that.
19 MR. SANGER: All right. Now, with any luck,
20 did we get the disk?
21 It would have been the CD version of that.
22 (Discussion off the record.)
23 MR. SANGER: I apologize, Your Honor, but
24 we're trying to find the DVD of the moving and we're
25 honing in on it.
26 I would accept any assistance from the
27 prosecution if they know.
28 MR. SNEDDON: If I know what? I know a lot 12261

of things, but --
MR. SANGER: The number of the exhibit on the move.
MR. SNEDDON: The surveillance move?
MR. SANGER: The move of the items or --
MR. ZONEN: I think it's 817 or near 817. It's near 813 to 817.
(Discussion off the record.)
MR. SANGER: I wonder if we could do this, Your Honor. What I'd like to do, there were two copies of this, if I'm not mistaken. One was received and the other wasn't.
THE COURT: They can't hear.
MR. SANGER: Okay. Let's see if we can use our time wisely here.
What I'd like to do is play the tape of the move that's already been introduced into evidence. We're just having a little difficulty making sure we have the right tape.
Could I defer to Mr. Sneddon to go ahead with his redirect, if any, and then try to do this at the break?
MR. SNEDDON: Your Honor, first of all, I -- I object to the showing of this. He's indicated he wasn't there, and he indicated his people don't do any clean-up services. So what's the relevancy of showing this to this witness?
MR. SANGER: There are two employees who 12262

1 appear to be movers. There's a third person who
2 appears to be a cleaner, but I just want to
3 establish these are his people who were doing this
4 move.
5 THE COURT: You're not going to show the
6 whole video?
7 MR. SANGER: No, we don't need to show the
8 whole thing. I just need to show a clip of it so he
9 can look at it and tell us those are his people
10 doing the job.
11 THE COURT: Do you want to do your other --
12 do you have any other examination?
13 MR. SNEDDON: Yes, I do.
14 THE COURT: All right. Would you accommodate
15 him by doing that until the break?
16 MR. SNEDDON: I would, Your Honor.
17 THE COURT: Thank you.
18
19 REDIRECT EXAMINATION
20 BY MR. SNEDDON:
21 Q. All right. Mr. Erwin, we placed back up on
22 the board --
23 If we could have the lights, Your Honor,
24 please.
25 -- one of the documents containing your
26 file, and this is the one from 3-5-02, but you
27 really say it is '03, with the number "5025" at the
28 top. 12263

Does this particular bill indicate that there were in fact boxes purchased, or that you charged people for, for packing during the course of this particular move?
A. Yes.
Q. All right. So it looks like, to me, there was at least two and perhaps a third -- a fifth one down here?
A. There's two small boxes, two medium boxes, and one roll of tape.
Q. Okay. So that's tape. When I say it says "1," that word is "tape"; is that right?
A. That's correct.
Q. Okay. So there were four boxes that were used?
A. Yes.
Q. Okay. Now, if we could, I want the item, the inventory items, please.
Thank you.
All right. Now, on the inventory items that show all of the items collected over the two-day process, do you see -- first of all, it looks like there were some chairs taken, correct?
A. Yes.
Q. And a scooter?
A. A scooter, yes.
Q. And a refrigerator?
A. Yes. 12264

Q. Okay.
A. And a mattress.
Q. And a mattress.
Now, with regard to the items that -- take a second to review your original there, if you have to, but do you see any plants at all that were taken?
A. No.
Q. So there was -- no plants were taken during the time that you went to the -- your movers were there?
A. There's none on the inventory here.
Q. Okay.
A. And they wouldn't live well in the warehouse.
Q. I understand that. Would you have ordinarily taken them, though?
A. Not to our warehouse.
Q. What would you have done with them?
A. Sometimes we do transport plants over to another location along the way. Some people will keep their plants at a friend's house while we put their belongings in storage, if there are nice outdoor plants in planters that they want to keep.
Q. So if there were plants, let's say, for instance, at this particular location, would your workers unilaterally either leave those plants there or throw them out? Do you know what your directions 12265

and your policy would be on that, if the owner has not made any arrangements with you?
A. We -- we're working for -- whatever the client requests. That's what we would do.
Q. So if --
A. If they want them left, we leave them. If they want them dropped off somewhere, we would do that. If they want us to carry them to a dumpster, I suppose we would do that for them. If they want us to take them to the warehouse, we would advise them that they're not going to survive --
Q. All right.
A. -- in the warehouse.
MR. SNEDDON: Fair enough. No further questions. Thank you, Your Honor.
MR. SANGER: The problem is, without putting it in the machine and looking at it, I'm not sure which is which. From the notations that we have, it appears to be Exhibit 813, but the DVD and the sleeve of 813 does not appear to be that which was described on the record. So we just need to look at it. I apologize, Your Honor.
THE COURT: All right. Are the jurors going to object if they get an extra five minutes? No? All right.
(Recess taken.)
THE COURT: Go ahead.
MR. SANGER: Your Honor, I have to recite 12266

something for the record.
I've talked to Mr. Sneddon about this and the clerk. In the transcript, at page 6335, there's a reference to playing a tape, Exhibit No. 813, and a further reference to the fact that that was the move from the house.
There's all sorts of possibilities as to what could have happened here, but it turns out that 813, as it's marked by the clerk, is an exhibit that did not come into evidence and is something else, okay?
As far as I can tell, it appears that 818 is in fact the exhibit previously referred to on the record as 813. So I think if we just recite it, we'll let the chips fall where they may.
THE COURT: The chips are someone misspoke and that's what happened, and thank you for correcting that.
MR. SANGER: Okay.
So 818 does show it was received into evidence, and this does purport to be the video of the house, so whatever the record shows before, that's what we're going to play now, if that's all right.
THE COURT: That's all right.
MR. SANGER: All right. Thank you.
What I'm going to do, with the Court's permission, is start it, just so the witness can see 12267

the very beginning, and then I'll fast-forward, and I'll just use fast-forward, because it's very shortly thereafter it shows the moving people, and then we'll go from there.
THE COURT: Okay.
(Whereupon, a portion of a DVD, People's Exhibit 818, was played for the Court and jury.)
Q. BY MR. SANGER: I'm going to pause here right at the beginning.
There's a gentleman there who seems to be doing some cleaning or something. Does he appear to be one of your employees?
A. No.
Q. All right. And we see a date of March the 5th, 2003, just for the record.
Let me now play, and I'm going to go ahead and fast-forward.
(Whereupon, a portion of a DVD, People's Exhibit 818, was played for the Court and jury.)
Q. BY MR. SANGER: On the counter, we're now at 3:32. I'm going to freeze this for a second.
These gentlemen seem to have shirts that say "Dino's Moving & Storage." Are those your people?
A. Yes.
Q. Do you know who they are from the back?
A. The foreground would be Joe Chavez, and the background is Carlos Solano.
Q. And Mr. Chavez and Mr. Solano, have they 12268

been employed by you for some time?
A. Quite some time. A few years.
Q. Are they trusted employees?
A. Very much.
MR. SANGER: Your Honor, unless somebody wants me to play more, that's all I want to play.
THE COURT: Well, we're not going to take a vote on it, so --
(Laughter.)
MR. SANGER: Very well.
So I'm going to press "Stop" and take the thing out, and I have no further questions.
THE COURT: Anything further?
MR. SNEDDON: No, Your Honor.
THE COURT: All right. Thank you. You may step down.
Now, the understanding was he can take his original records with him?
MR. SNEDDON: That's correct, Your Honor.
THE WITNESS: I also still don't have a copy of what was originally in my file.
THE COURT: That one sheet?
THE WITNESS: The in-progress with the signature on it.
THE COURT: We can give you a copy of that right now, can't we?
MR. SANGER: Yes. To save time, I'll just give him my copy and I'll have another one made. 12269

MR. SNEDDON: I have a copy of the other one, so I'll just give him mine and you can keep yours, and then we don't have a problem.
MR. SANGER: Just for the record, so we're clear, I am returning 818, in that envelope, to the clerk, along with the other exhibits.
THE COURT: All right. Thank you.
All right. Call your next witness.
MR. ZONEN: Theresa Marquez, please.
THE COURT: When you get to the witness stand, please remain standing.
Face the clerk over here and raise your right hand.

THERESA MARQUEZ
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated and state and spell your name for the record.
THE WITNESS: My name is Theresa Marquez.
T-h-e-r-e-s-a, M-a-r-q-u-e-z.
THE CLERK: Thank you.
MR. ZONEN: May I proceed?
THE COURT: Yes.
//
//
// 12270

1 DIRECT EXAMINATION
2 BY MR. ZONEN:
3 Q. Miss Marquez, what is your current
4 occupation?
5 A. Custodian of records at Kaiser Permanente in
6 Baldwin Park, California.
7 Q. At what location, please?
8 A. Baldwin Park, California.
9 Q. Were you asked to make a determination as to
10 whether or not there were medical records belonging
11 to a Janet Arvizo --
12 A. Yes, we were.
13 Q. -- with a date of 8-28-98? In other words,
14 a visit to the ER room at a Kaiser facility on
15 8-28-98?
16 A. That's correct.
17 Q. And in fact, were there records of that day?
18 A. Yes, there are.
19 Q. And which Kaiser facility is that?
20 A. Baldwin Park Medical Center.
21 Q. Where is the Baldwin Park Medical Center?
22 A. It's located in the City of Baldwin Park off
23 the 10 freeway. You would get off on Baldwin Park
24 Boulevard.
25 Q. And that's in Los Angeles County?
26 A. Los Angeles County.
27 Q. Did you make a copy of those records for us?
28 A. Yes, I did. 12271

Q. And do you have them with you?
A. Yes, I do.
Q. Could we have those, please?
(Whereupon, an off-the-record discussion was held between Mr. Zonen and the witness at the witness stand.)
(Off-the-record discussion held at counsel table.)
MR. ZONEN: Could I approach the witness, Your Honor?
THE COURT: Yes.
Q. I'm showing you now Exhibit No. 906. Is this in fact what you just handed me?
A. Yes, it is.
Q. And are those in fact an accurate copy of the medical records from Kaiser Hospital?
A. Yes, they are.
Q. For that date of 8-28-98; patient, Janet Arvizo?
A. Correct.
MR. ZONEN: I would move to introduce those records into evidence.
THE COURT: They're admitted.
MR. SANGER: I'm sorry, Your Honor. I haven't quite had a chance to finish looking at them, if I could. We just received them.
MR. ZONEN: If I could go on with just a different question, then. 12272

MR. SANGER: I don't mind if he goes ahead while I'm looking at them.
THE COURT: Okay. Go ahead.
Q. BY MR. ZONEN: Can you tell us the time -- there's a registration time that's logged in these reports when a patient comes in; is that correct?
A. That's correct.
Q. What does the registration time reflect?
A. This reads 1:11 a.m.
Q. 1:11 in the morning; is that right?
A. Yes.
Q. All right. Now, what does that mean, "registration time"?
A. That's actually the time they come to the desk and they ask to see a physician, and they are actually checked into the ER.
Q. So that's the first time they actually meet with somebody at the hospital facility?
A. Correct.
MR. ZONEN: Okay. Subject to the introduction of this exhibit into evidence, I have no further questions.
MR. SANGER: And I'll submit it as far as the admission of the documents
THE COURT: All right. I'll admit the records.
MR. SANGER: I was doing too many things at once. What is the exhibit number, if I could ask, 12273

please?
THE CLERK: 906.
MR. SANGER: Thank you.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Okay. So it appears that this person came to Kaiser Permanente on the 28th at 1:11 in the morning; is that right?
A. That's the time that this member was checked in, yes.
Q. All right. So somebody -- are you familiar with this particular facility?
A. Yes, I am.
Q. So somebody walks into -- they can walk into the emergency room; is that correct?
A. That's correct.
Q. And they would be met by somebody who would assess their immediate need for medical assistance; is that correct?
A. Well, the procedure would be they would walk in. They would speak to the receptionist. Their medical record number would be taken. They would be asked a few questions. Then they'd be asked to be seated until a physician can come up to see them.
Q. So when they walk in and have that first contact, that would be the time of registration; is that correct? 12274

A. That's correct.
Q. So this person walked in shortly before 1:11 in the morning of the 28th?
A. Yes.
Q. And it appears, from the records, that the person was released that evening, right?
MR. ZONEN: I believe that may be a misstatement; vague. "Released that evening."
MR. SANGER: It was early in the morning, so however you want to put it.
Q. Early in the morning. It appears that the patient was released later that morning; is that correct?
A. Yes, it does.
Q. About what time?
A. The latest time I see on here is 4:15 for the last note.
Q. And it indicates at 4:15 in the morning, "DC'd," right?
A. Yes.
Q. That's "discharged"; is that correct?
A. That's correct.
Q. "Discharged in good condition," correct?
A. Yes.
Q. And she was prescribed aspirin?
A. I don't know what she was prescribed. Not by this note. I believe the first page, we have a prescription of Motrin 400. 12275

Q. Okay. That was at 2:45 she was given some Motrin?
A. I am looking at the first page which indicates a prescription of Motrin. Let's see. It's indicating that at 2:45, she was given Motrin.
Q. All right. And then when people come in at that time of the early morning, is that a fairly busy time for the emergency room, usually?
A. That's difficult to say. We don't have trends of busy times and slow times.
Q. Okay. I guess you can have a major problem, but that's one of the times when you're likely to see people coming into the emergency room, right?
A. You know, I really don't want to say that that's so, because in looking at the records, again, looking at trends, there isn't a definite trend as to if it's a peak time or not.
Q. Okay. If there are other people there, then the person has to wait?
A. Correct.
Q. And then they're eventually seen by a physician; is that correct?
A. Correct.
Q. And then it appears here that she was seen somewhere around 1:45?
A. Well, if you look at the first page on the top, after "Time Registered, Triage Time," that's when the nurse actually talked to her. 12276

Q. The triage time was what? 1:15?
A. 1:15. And then they probably put her in a room until the physician can see her.
Q. So in the ordinary course of things, she eventually had some X-rays; is that right?
A. That's correct.
Q. And all of that came back negative?
A. "Normal study."
Q. And then it -- and then it shows, "4:15, Discharged in good condition"?
A. Correct.
MR. SANGER: All right. Very good. No further questions.
MR. ZONEN: No further questions. And the exhibit is in; is that correct?
THE COURT: The exhibit is admitted.
MR. ZONEN: Thank you.
THE COURT: Thank you. You may step down.
MR. ZONEN: We'll call William Dickerman to the stand.
THE COURT: He's recalled; is that correct?
MR. ZONEN: Yes. Re-call him. Thank you. Who's doing Mr. Dickerman? Oh, okay.
(Off-the-record discussion held at counsel table.)
THE COURT: Come to the front of the courtroom. You were previously sworn. You may be seated. 12277

WILLIAM DICKERMAN
Having been previously sworn, resumed the stand and testified further as follows:

MR. ZONEN: May I proceed, Your Honor?
THE COURT: Yes.
MR. ZONEN: May I approach the witness?
THE COURT: Yes.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Mr. Dickerman, good afternoon. And we are just at good afternoon.
A. Good afternoon.
BAILIFF CORTEZ: Microphone's off.
MR. ZONEN: Thank you. If the trial goes another four months, I will learn.
Q. Thank you for coming back. We have a few questions to ask you about a few exhibits. You brought with you a collection of letters and communications; is that correct?
A. Yes, I did.
Q. And I'd like to show you right now a collection of documents that's before you that is now marked as People's Exhibit No. 903; is that correct?
A. Yes.
Q. And could you take a look at those very 12278

rapidly, just to assure yourself that those are the same documents or a copy of documents that you brought with you today; is that right?
A. Yes.
Q. And those are copies of documents that you have in your file?
A. Yes.
Q. And that file you brought with you today; is that right?
A. Yes, I did.
Q. So to the extent that you have actual copies, the actual copies you brought with you, and these are copies of copies?
A. I've also got originals that were faxed.
Q. And originals that were faxed; is that right?
A. Yes.
Q. Now, do these represent communications between you and an attorney by the name of Mark Geragos?
A. They sure do.
Q. You testified previously to some communications, and some of those letters were shown to you previously; is that right?
A. Yes.
Q. All right. But I'd like to specifically go over some of these letters and talk to you about how they were communicated specifically to Mr. Geragos; 12279

1 is that all right?
2 A. Sure.
3 Q. Let's begin with the very first letter on
4 this collection of documents that is marked 903.
5 And this letter is dated March 26th, 2003. Is this
6 a letter that you authored?
7 A. Yes, it is.
8 Q. Is this a letter that you sent to Mr.
9 Dickerman -- excuse me, Mr. Geragos?
10 A. I had it messengered to Mr. Geragos.
11 Q. All right. And explain what you mean by
12 having had a messenger deliver it.
13 A. I or my secretary phoned Allstar Messenger
14 Service, which is the attorney service/messenger
15 service I've been using for about 15 years, put in
16 an order, filled out a form, had them come over,
17 told them to deliver it to Mr. Geragos, and they
18 took it.
19 Q. All right. In this particular letter dated
20 March 26th, 2003, do you refer to the passports and
21 visas belonging to your clients, the Arvizos?
22 A. Yes, in paragraph two at the bottom of the
23 first page.
24 Q. And the delivery service that you use and
25 have been using for 15 years, is it your experience
26 that they are reliable and responsible in delivering
27 letters?
28 A. I don't think I've had a problem with them 12280

in delivering anything in 15 years, whether it's court documents or letters or anything else.
Q. Let's please go to the next document on here, and that's the one -- it's about four pages in. It begins with "Allstar Messenger" is the heading on the top. That, plus the next page after that, what are those two documents?
A. The first document is my copy of the form that was filled out and given to the messenger service, along with the letter to be sent. So there are, I believe, three pages of it. The first one they take, and the last one is a pink copy. I have the original here, and that is what I kept for my files.
Q. And that also is dated March 26th, '03?
A. Yes.
Q. The second page is what, please?
A. The second page is the invoice from Allstar Messenger Service for that delivery, reflecting that I owe them $14.75 for delivering the letter to Geragos & Geragos.
Q. All right. Move to the next page, if you would, please. Is this a letter to Mr. Geragos as well?
A. Yes.
Q. And is the date on this April 3rd, 2003?
A. Yes.
Q. All right. In this letter, do you reference 12281

a prior letter that you sent him?
A. Yes, I referenced the March 26th letter that I just testified about.
Q. And how was this letter, the April 3rd letter, delivered to Mr. Geragos?
A. That was by fax. On my fax machine to his fax machine.
Q. All right. Now, if you'll turn to the next page, the page right after the April 3rd, 2003, letter, is that a facsimile transaction report?
A. Yes, it is.
Q. Explain what that is, please.
A. Every time a fax is sent from my office, I get a report showing that the fax was received or it wasn't received, and the reason if it wasn't received.
Q. All right. Is this generated by your fax machine?
A. Yes, it is. It's a machine that I had -- I no longer have, but I had it for 10, 12 years.
Q. All right. Was it your experience that when this machine tells you a fax has been transmitted, that it actually had been?
A. Always.
Q. Did you ever have an occasion where the machine told you the facsimile had been transmitted and in fact it hadn't?
A. Never. 12282

Q. Does this piece of paper now, and we're dealing with the one that says April -- April 3 at 6:16 p.m., does this indicate that the fax that you had sent to Mr. Geragos on the 3rd of April in fact had been transmitted?
A. Yes.
Q. And at what time of the day was that?
A. It says 6:16. The fax machine always ran a couple minutes off, so it could have been 6:14 or 6:12, something like that.
Q. Go to the next page, please. Is the next page a cover letter from Geragos & Geragos, a fax cover sheet?
A. Yes, it is.
Q. Does that contain Mr. Geragos's fax number?
A. Yes, it does.
Q. All right. Is that in fact the same fax number that you sent the prior communication to?
A. Yes. It says that right on the transaction report.
Q. All right. And in fact, all of your communications sent to Mr. Geragos were sent to that same fax number; is that correct?
A. Yes. That's correct.
Q. Let's move to the next page. Is the next page a letter from Mr. Geragos dated April 6th, 2003?
A. Yes, it is. 12283

Q. All right. Now, that's two sentences, is it not?
A. Yes.
Q. Would you read it out loud to us?
A. "Dear Mr. Dickerman: Thanks for your letter of April 3, 2003" --
MR. MESEREAU: Objection. Hearsay. The letter -- the document speaks for itself.
THE COURT: It is speaking for itself. He's just reading it.
MR. MESEREAU: Okay.
THE COURT: That's how it talks.
(Laughter.)
THE COURT: Go ahead, Counsel.
Q. BY MR. ZONEN: Go ahead and please read it.
A. "Thanks for your letter of April 3, 2003. Please give me a call so that we can make arrangements."
Q. Now, in your experience as an attorney, when you get a letter back from somebody else who thanks you for a letter dated a particular date, that tends to suggest that they got that letter; is that right?
A. In my experience, always.
Q. All right. Now, going back to your letter of April 3rd, 2003, let's turn back a few pages, the letter that he acknowledges that you received --
A. That I -- oh, sorry.
Q. Do you have it in front of you? 12284

A. Yes.
Q. The letter of April 3rd, 2003, that he acknowledges that you received, what -- in the first sentence, what do you say in that letter?
A. “Dear Mr. Geragos: On March 26th, 2003, I wrote you and asked that you deliver certain items to my office by April 1.”
Q. You don’t have to go any further than that. That letter that he acknowledged receiving referred to the March 26th, 2003, letter, the one that demanded the passports and the visas; is that correct?
A. It’s the only letter I wrote on March 26th.
Q. All right. Now, let’s move on. We left off with Mr. Geragos’s letter to you that’s dated April 6th, 2003. Go to the next page, please. Is that next page a letter from you to Mr. Geragos dated April 8, 2003?
A. Yes.
Q. Do you refer to passports, visas and birth certificates in that letter?
A. Yes. In the third paragraph.
Q. All right. How is this letter communicated to Mr. Geragos?
A. By fax machine to the same number as the others that I had faxed.
Q. And did you in fact keep a transaction report from your fax machine indicating whether it 12285

had been successfully faxed?
A. Yes. That's the next document.
Q. And that's the next page; is that correct?
A. Yes.
Q. That transaction report indicates what?
A. That on April 8th at 7:18 p.m., I faxed two pages to Mr. Geragos's fax number, and that it was received.
Q. Okay. Let's move on, please, to the next page. The next page is a letter from you dated April 9, 2003; is that correct?
A. Yes.
Q. This is also a letter to Mark Geragos; is that correct?
A. Yes.
Q. Okay. Was this letter faxed to him?
A. Yes.
Q. Was that letter received by him, or at least was it -- did your fax machine indicate that it went through?
A. Yes.
Q. All right. In that letter of April 9, 2003, do you reference passports, visas and birth certificates?
A. Yes.
Q. Actually, you demand their return to your client; is that correct?
A. Yes, I asked that he, quote, "immediately 12286

deliver to me," along with the documents you just mentioned, some other items.
Q. Now, the next page again, as we acknowledge, was the transaction report on the fax machine?
A. Yes.
Q. Please now go to April 11, 2003. Is that the next page?
A. Yes.
Q. Is that a letter from you to Mr. Geragos?
A. Yes.
Q. Was that faxed to him as well?
A. Yes. At the same number.
Q. And the transaction report indicates that that letter was processed as well?
A. Yes.
Q. Please move to the next one. We now have a letter from Mr. Geragos to you, April 15, 2003; is that correct?
A. Yes.
Q. Okay. And that is a letter from Mr. Geragos that appears to be one sentence?
A. Yes.
Q. All right. What does that sentence read?
A. "We have retrieved various items from storage and would appreciate your advising us as to where they should be delivered."
Q. Did Mr. Geragos up to this point, either by telephone or in any other communication, indicate to 12287

you anything about passports belonging to your clients, the Arvizos?
A. He -- in one conversation, I think it was on March 31st, I asked him about passports and visas, following up on the letter that -- well, when he called me, because he wanted additional time to respond to the March 26th letter, we talked about it briefly. He didn't exactly know what I was talking about. I think he said that there were -- there were passports around that he had heard of, but he didn't know what it was -- what that was about.
Q. Okay.
A. I understood he was going to find out and get back to me. He never did.
Q. Did he ever?
A. He never got back to me on that. He never responded to any of my letters asking for any of these items, except for items in the storage unit.
Q. Okay. Moving on to the next page, a letter dated April 22, 2003 --
A. Yes.
Q. -- is that a letter that you sent to Mark Geragos?
A. Yes.
Q. And this letter is dated April 22nd, 2003. Do you once again demand the return of their possessions, including their passports?
A. Yes. 12288

Q. Was this letter delivered in some fashion to Geragos & Geragos?
A. It was faxed at about 2:17 p.m. to the same fax number as I previously stated, and it indicates that it was received.
Q. Okay. Move on to the next page, a letter dated May 12, 2003, from you to Mr. Geragos; is that correct?
A. Yes.
Q. All right. In this letter, do you fax this letter to him?
A. Yes.
Q. And did your fax report, the next page in these documents, indicate that it was received?
A. Same as all the others, yes.
Q. Next letter, please, the next page. Is this a letter from Geragos & Geragos, from Mark Geragos to you?
A. Yes.
Q. And the date is May 15, 2003; is that correct?
A. Yes.
Q. All right. In this letter, does he acknowledge receipt of a prior letter from you?
A. Yes, my letter dated May 12th.
Q. Does he refer to passports at all?
A. No.
Q. Move to the next one, please. May 15, 2003. 12289

Is this a letter from you to Mr. Geragos?
A. Yes.
Q. And in this letter, do you once again ask him to return immediately your clients' passports and birth certificates?
A. Yes. And the last sentence of the second paragraph, and you can see my frustration, because I underlined "immediately," and I had been getting no response, so I was quite disturbed.
MR. MESEREAU: Objection; move to strike.
THE COURT: I'll strike the -- after "Yes."
Q. BY MR. ZONEN: But the word "immediately" is, in fact, underlined; is that correct?
A. Yes.
Q. All right. Now, did you send this by facsimile?
A. Yes.
Q. And do you have a transaction report that indicates it was, in fact, processed?
A. Yes.
Q. All right. Can you tell us when this letter was processed?
A. It says 4:33 p.m., May 15, to the same fax number.
Q. I'm sorry?
A. To the same fax number.
Q. Okay. The next page is a fax cover sheet from Mr. Geragos; is that correct? 12290

A. Yes.
Q. And the next page after that is a letter from Mr. Geragos back to you?
A. Yes.
Q. Now, the letter is dated, from Mr. Geragos to you, May 17, 2003; is that correct?
A. Yes.
Q. Please read to us the first sentence of that letter.
A. “Thank you for your histrionic letter dated May 15, 2003.”
Q. Are communications getting a little testy at this point?
A. Yes.
Q. Okay. But he acknowledges receiving the May 15, 2003, letter?
A. Yes.
Q. And the May 15, 2003, letter specifically demands the immediate return of your clients’ passports and birth certificates; is that true?
A. Yes.
Q. Let’s move on to the next, a letter from you dated May 20, 2003. You sent that to Mr. Geragos?
A. Yes, by fax.
Q. By fax. Again, the same fax number?
A. Identical.
Q. All of these are to the same identical fax number? 12291

A. Yes.
Q. And you, once again, have a transaction report indicating that that letter was properly processed.
A. Yes.
Q. May 29, 2003, another letter from you to Mr. Dick -- from you to Mr. Geragos; is that correct?
A. Yes.
Q. Properly faxed that same day, May 29. The next page is a letter from Mr. -- the cover sheet of a fax from Mr. Geragos to you; is that correct?
A. Yes.
Q. And then the next page after that is a letter from Mr. Geragos to you dated June 2nd, 2003?
A. Yes.
Q. All right. It references your letter of May 29, 2003; is that correct?
A. In the first sentence.
Q. All right. Does not mention anything about passports, does it?
A. No.
Q. And finally, the last page of that is a document that appears to be a fax to you from Bradley Miller; is that correct?
A. Yes.
Q. And that's dated June 12th, 2003; is that 12292

1 correct?
2 A. Yes.
3 Q. Up until this facsimile was sent to you by
4 Brad Miller, did they ever tell you where your
5 clients' possessions were?
6 A. No.
7 Q. Did Mr. Geragos or anybody from his office
8 ever acknowledge the fact that there were passports
9 that belonged to your client and were in his
10 possession?
11 A. No.
12 MR. ZONEN: No further questions.
13 I will move to admit -- excuse me. One more
14 second.
15 Q. Mr. Dickerman, the documents -- the copies
16 that you have before you that are the collection,
17 a complete -- let me do that one more time.
18 Exhibit 809 -- 803 --
19 A. 903.
20 Q. 903. It's Friday, isn't it? Thursday.
21 I'll start again.
22 Exhibit No. 903, a collection of documents
23 that are, in fact, communications between you and
24 Mark Geragos, is this a complete collection of the
25 letters that were sent by you to Mr. Geragos and
26 returned from Mr. Geragos to you?
27 A. As far as I know, yes.
28 Q. And this is an accurate copy of each of 12293

these documents; is that right?
A. Yes.
MR. ZONEN: I would move to introduce into evidence Exhibit No. 903.
MR. MESEREAU: No objection.
THE COURT: It's admitted.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Dickerman, I'd like to refer you to your letter which purports to be dated March 26th, 2003. Do you see that?
A. Yes.
Q. Is that letter signed?
A. This document does not bear a signature.
Q. Do you have a copy of a signed letter of March 26th?
A. No.
Q. Do you normally sign letters that you send as a lawyer?
A. Always.
Q. Why didn't you sign this one?
A. I did sign the letter. This is a copy.
Q. Does anyone know where it is, a copy of the signed letter?
A. I didn't -- apparently I didn't sign -- I didn't copy the signed letter. I probably ran a duplicate from the printer. And I usually do not 12294

copy my signature because it's easier to run a copy from the printer than to go to the Xerox machine.
Q. Let's look at your letter of April 3rd, 2003. Does that have a signature of you?
A. It does, because that was a document that was faxed. That's the exact copy of what was faxed.
Q. You're suggesting that when you messenger copies of your letters you don't sign them, but when you fax copies of your letters you do sign them?
A. No.
Q. What are you suggesting?
A. A document that is faxed is the exact document with the signature. I made -- I have an original of a letter that I mail or messenger, and the original would be signed, and very often I don't copy the signature, but I run a second copy out of the printer.
Q. Have you been in touch with the prosecutor about these letters before you testified today?
A. Yes.
Q. Did he ask you to look in your file to get copies of your letters?
A. I'm not sure. But I told him I had copies of my letters.
Q. Did he ask you to look in your file and look at the copies of the letters you claim you sent to Mark Geragos?
A. I don't remember specifically. 12295

Q. So far, there is no copy you've been able to find of a March 26th letter that you actually signed, true?
A. Yes.
Q. Yet, we have other letters in this package that you did sign, right?
A. That's right. And as I explained, they are copies of precisely the document that I faxed. I would not fax a document without my signature. However, I did messenger the document with my signature.
Q. How do you know that if you don't have a copy of the signed letter?
A. Because I sign my letters before they go out.
Q. Where is the copy?
A. I didn't make a copy of my signature. There's no reason to make a copy of my signature. The -- these copies are of faxes that were sent that were faxed. They are faxed, obviously, with my signature.
Q. When you make a demand letter like the letter of March 26th on behalf of a client, do you routinely sign the letter?
A. Always.
Q. Where is the signed copy?
MR. ZONEN: That's argumentative.
THE COURT: Sustained. 12296

Q. BY MR. MESEREAU: You don't have a signed copy, do you?
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Let me refer you to the first page of your March 26th, 2003, letter. I'd like to refer you to the last paragraph. It's number two. Do you see that?
A. I do.
Q. You say as follows: "The Arvizos demand that Jackson immediately return to them," and I want you to look at Item B, "The papers they have signed, including passport, visa applications, school documents, documents in connection with the legal action in Britain concerning 'Living with Michael Jackson.'" Do you see those words?
A. I do.
Q. Isn't it true that later, after you sent this letter, assuming you sent it, your client, Janet Arvizo, denied ever authorizing a legal action in Great Britain?
MR. ZONEN: I'm going to object as compound and vague and exceeding the scope of the direct examination.
BAILIFF CORTEZ: Microphone's off.
MR. MESEREAU: He introduced it into evidence, Your Honor.
MR. ZONEN: This letter's been in evidence. 12297

THE COURT: Sustained. Exceeds the scope of direct.
MR. MESEREAU: Okay.
Q. Let me go to the next page, number four.
A. Yes.
Q. You asked for copies of any model release your client, Janet Arvizo, signed involving footage, right?
A. Can you point me to the line?
Q. Sure. Paragraph number four. One, two, three, four, five -- I'd say at 5, 6 -- lines 5, 6 and 7 in paragraph number four.
A. Where it says, "Titled "This Model Release'"?
Q. Yes.
A. Okay.
Q. Now, did you have a copy of a model release when you wrote the letter?
A. I don't remember.
Q. Did Janet Arvizo tell you she had negotiated and signed a model release?
MR. ZONEN: Objection; exceeds the scope of the direct examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Let's go to the letter you claim you sent to Mr. Geragos on April 8, 2003. Do you see that?
A. Okay. 12298

Q. Let's look at the first paragraph. One, two, three -- well, the first complete sentence. Excuse me, I'm sorry. The second complete sentence. Could you please read that sentence to yourself?
A. Okay.
Q. You say in your letter to Mr. Geragos, referring to the apartment, "She tells me that, contrary to what you said about there being a truckload, she had very few possessions, since she lived in a bachelor apartment. She does not believe that much, if any, furniture was removed."
Was that what Janet Arvizo told you about her address at Soto Street?
MR. ZONEN: Objection; exceeds the scope of the direct examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: In that paragraph, are you referring to the Soto Street address in East Los Angeles?
MR. ZONEN: Objection; exceeds the scope of the direct examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Let me refer you to a letter of April 11, 2003, that purports to be to Mr. Geragos from you. Do you see that letter?
A. Yes.
Q. And in the second letter, you write, "My clients have also learned that Mr. Jackson has 12299

produced or is producing and that FOX will broadcast a program involving home videos or home movies."
Do you see that?
A. Yes.
Q. Did your client tell you that?
MR. ZONEN: Objection; exceeds the scope of the direct examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Let's move to a letter from Mr. Geragos to you, which is signed and faxed on April 15th, 2003. Do you see that?
A. Yes.
Q. Mr. Geragos says to you, "We have retrieved various items from storage and would appreciate your advising us as to where they should be delivered," right?
A. Yes.
Q. And did you immediately advise him where to deliver the items?
A. No.
Q. Why not?
A. Well, if you go back to previous letters, and I don't know which exactly they are without going through and reading them, I had requested, on numerous occasions, I believe, that Mr. Geragos give us a list of what there was, and to tell us where it was. And I had told him that what we were most interested in were passports, visas, birth 12300

certificates and these other things that are included in the March 26th letter that apparently he says he didn't receive, but that he acknowledges having received in phone conversation and refers to in subsequent letters.
It was obvious to me that he was skirting the issue and trying to make the issue different from what it was, which was to get back these items.
And we were not talking about the items in storage.
We were talking really about the passports, visas, items of clothing that apparently were taken at Neverland, and the other documents and tapes and whatnot that was mentioned very specifically in March 26th -- in the March 26th letter.
Q. Let me ask you the question again. You may not have understood.
Mr. Geragos, on April 15th, says to you, "We have retrieved various items in storage and would appreciate your advising us as to where they should be delivered."
My question is, why didn't you tell him where to deliver them?
A. I'm just referring to these letters, because I know there is voluminous correspondence here about this specific issue.
Well, if you look at the April 22nd letter, you'll see I wrote, quote, "Your April 15" -- yes, I had asked for these items to be delivered 12301

immediately. There was no reason for there to be any discussion, any movement, any mailing, any anything to get back the passports, visas, birth certificates and those other materials.
Mr. Geragos never referred to those, except in this one conversation that I referred to. He never responded in these letters, and it was clear he was dodging the issue. And I kept on writing to him saying, “These are the things that we want,” and I didn’t want him skirting the issue by dealing with things that were not at issue.
And I wrote in that letter on April 22nd, quote, “Your April 15 letter,” that’s the one you just referred to, “ignores the specific requests and refers simply to,” quote, “’various items,’” period, close quote. “As to those referred to above, you already have my instructions for delivery. I demand, for the fourth time, that you comply with my request,” period, close quote.
And then the second paragraph, here’s the more specific answer to your question: Quote, “As for any other items,” and that’s referring to, I guess, the items that he was referring to in the April 15 letter, “I repeat my request of March 26th that,” quote, “’Jackson immediately provide a list of all” -- “of all,” bracket, “my clients’,” closed bracket, “personal property that he possesses or controls or stored, whether it was left at 12302

Neverland, removed from my clients' apartment, or obtained in any other way. They also demand to know the precise location of all such property, and the identity, address and phone number of each person with access and/or a key to any place where the property is located.'"

And that's a close quote, because I'm quoting the March 26th letter.

And I continue, "In order to know what to do with items other than those I have asked you repeatedly to deliver to me," and there I'm referring to the passports, visas, birth certificates and items of clothing, "my clients need to know what and where it is. They have a right to know, too," period, close quote.

And then I go on to discuss something else.

Q. I understand --

A. Did that answer your question?

Q. No, it doesn't. I understand all the legalese in your letters. What I'm asking you is, where do you tell them where to deliver the material? Show me some place.

A. I didn't tell them where to deliver the materials.

Q. So he asked you where to deliver it, and you would not respond?

MR. ZONEN: I believe the witness was interrupted. 12303

THE COURT: It's asked and answered.
Q. BY MR. MESEREAU: Did your client tell you that no furniture was stored on her behalf? And I'm referring to Janet Arvizo.
A. I don't remember specifically, but if it's in the letter, then that's what happened.
Q. Well, in your letter of May 12th, you still haven't told them where to deliver it, right?
A. As of May 12, he still hadn't told us what there was, where it was stored and who had stored it. I asked him very specific questions since March 26th. I asked him for a list of what there was, who had possession of it, where it was. They had a right to know those things. And his intention to just dump whatever he felt like dumping was not what we were about. It was quite easy for him to tell us where the stuff was. That's what I wanted to know. My client wanted to go out there and retrieve the items, not to have them delivered, actually, anywhere.
What I wanted delivered and what I told him repeatedly, over and over and over again, was deliver the passports, birth certificate, visas, clothing, to my office.
Yes, he knew exactly where to send those materials.
Q. And when you didn't respond to his letter of April 15th asking you where he should deliver the 12304

1 possessions, you knew exactly what you were doing,
2 didn't you?
3 MR. ZONEN: Objection; argumentative.
4 THE COURT: Sustained.
5 Q. BY MR. MESEREAU: You and your client were
6 trying to set up Mr. Jackson for a lawsuit, true?
7 MR. ZONEN: Objection; argumentative.
8 THE COURT: Sustained.
9 Q. BY MR. MESEREAU: Did you have your
10 profit-sharing arrangement with Larry Feldman at
11 this time?
12 MR. ZONEN: Objection; argumentative.
13 THE COURT: Beyond the scope.
14 THE WITNESS: Could I respond to that?
15 THE COURT: No. It's beyond the scope. Next
16 question.
17 THE WITNESS: Your Honor, could I correct a
18 statement that I made in previous testimony?
19 Because it seems to make a big difference here to
20 Mr. Mesereau.
21 MR. MESEREAU: Your Honor, I think, with all
22 due respect to the witness --
23 THE COURT: Next question.
24 MR. MESEREAU: Okay. All right.
25 Q. Now, I'd like to refer you to Mr. Geragos's
26 letter to you of May 15th, 2003. Do you have that
27 in front of you?
28 A. May 15th? 12305

Q. Yes. 2003.
A. Got it.
Q. And I'm referring you to -- excuse me, let me start off -- let me withdraw the question.
First, Mr. Geragos indicates that your landlord refused delivery of items, correct?
A. Yes.
Q. And it is true that your landlord did refuse to accept items Mr. Geragos had arranged to deliver to your office, correct?
A. Mr. Geragos had not arranged to deliver anything to me at any time, any place. The landlord -- well, I don't know, "landlord." Landlord's representative, the person that I deal with at the property, left me a phone message about some -- some things being attempted to be dropped off. I got that at home, as I was observing -- or at the end of observing a religious holiday, which Mr. Geragos full well knew I was doing, because it was on my answering machine, and told me that these items were attempted to be delivered.
And I came back to the office the next day, saw an e-mail, I believe -- I forget who it was between, and I wrote an e-mail back to the office manager named Salome Ahadi and told her -- she was expressing some pique about this having happened because no arrangements were made.
And I said to her, and I'm almost quoting, 12306

1 “I would apologize if I had any idea what this was
2 about.” And I said, “I knew nothing about it, made
3 no arrangements, made no agreement, have no
4 knowledge about it whatsoever.”
5 Q. Let me refer to your letter of May 12th,
6 2003, to Mr. Geragos.
7 A. Yes.
8 Q. Don’t you confirm in the first paragraph
9 that Mr. Geragos sent movers to your office with
10 furniture?
11 A. Yes, according to what the office manager
12 had told me. I don’t know for sure whether there
13 was furniture or what was involved.
14 Q. You didn’t know for sure?
15 A. I wasn’t there. I wasn’t there. As I say,
16 I got this phone message --
17 Q. Right --
18 A. -- and that’s it.
19 Q. Don’t you write the following, Mr.
20 Dickerman: “This then will serve to confirm that on
21 April 24th at about 9:30 a.m., you sent purported
22 movers to my office laden with a huge amount of
23 furniture and possibly other items that the movers
24 told the receptionist and building services
25 representatives I had directed and arranged to be
26 delivered”?
27 You confirm that an attempted delivery was
28 made of items and furniture, correct? 12307

A. It wasn't from my personal knowledge, but that's what it says. That's based on what I was told at the office. I have no reason to believe that that's not correct.
And I go on, if you want to keep this in context --
Q. Sir, I'll --
A. -- to state that there was no such --
Q. I'll ask the questions.
A. -- arrangement.
Q. I'll ask the questions.
A. Well, if you want to get to the truth here, Mr. Mesereau, instead of playing games --
Q. Mr. Dickerman --
A. -- I'll be happy to explain all of this, and then we can have a reasonable trial where the facts come out instead of implications.
THE COURT: Just a minute, Counsel. You're not an advocate here. You're a witness.
THE WITNESS: Sorry, Your Honor.
THE COURT: Everyone understands what position Mr. Mesereau is in and what position you're in. Now, I want you to listen to the questions and answer the questions.
THE WITNESS: I will, Your Honor.
Q. BY MR. MESEREAU: Mr. Dickerman, when you wrote these letters on behalf of Janet Arvizo, did you think it was her right to decide what materials 12308

would stay in storage, paid by someone else, and what materials you would accept when you felt like accepting them?

MR. ZONEN: Objection. Argumentative and compound.

THE COURT: You may answer the question. Do you want it read back?

THE WITNESS: No, but I'm not willing to waive the attorney work-product privilege. He's asking for my thoughts, and those are out of bounds, as he well knows.

THE COURT: I think you need to listen to the question.

Have the question read back.

(Record read.)

THE WITNESS: He's asking for my thoughts. My thoughts are my work-product. I'm not willing to waive the privilege.

THE COURT: The work-product privilege doesn't apply in criminal cases. I know you're a civil attorney, so I'll give you a little leeway here.

THE WITNESS: I am. All right. I'm sorry, could you read it back one more time?

THE COURT: What I'm going to do, though, is ask you to rephrase it so that I know the question you're attempting to ask. 12309

MR. MESEREAU: Yes.
Q. Mr. Dickerman, in one of your earlier letters to Mr. Geragos, you confirm your belief that although there may be little furniture stored for Janet Arvizo, there in fact may be some, correct?
A. You'd have to point me to the letter. I --
Q. Sure.
A. I don't have the letters memorized.
Q. Okay. Let me refer you to your letter of April 8th, 2003.
A. Okay.
Q. In that first paragraph, referring to your client, Janet Arvizo, you say that, "She does not believe that much, if any, furniture was removed."
A. Right.
Q. Do you see that?
A. Yes.
Q. Now, did she tell you she did not believe that much, if any, furniture was removed?
A. She must have, or I wouldn't have put it in the letter.
Q. Did you ever confirm whether or not any furniture was removed from the Soto Street apartment?
A. I'm not sure what the Soto Street apartment is, so I guess the answer would be no.
Q. Wasn't that the apartment that Janet purported to live in? 12310

A. I don’t know about the address. I don’t know the street name.
Q. Well, what -- what apartment are you referring to in your letter?
A. An apartment that they lived in. I don’t know that she ever referred to the address.
Q. And Janet Arvizo never told you where the materials were taken from?
A. She told me they were taken from her apartment, but I don’t know that there was any reason to tell me an address, a street number or a street name. Or maybe she did and I just don’t recall it. The name of the street was not important.
Q. Was the purported home of Janet Arvizo, where materials were taken, allegedly, against her will, important to you?
MR. ZONEN: I’m going to object as argumentative and irrelevant.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Are you saying under oath you didn’t know what the address was of the apartment where possessions were supposedly taken from?
A. I may have known then. I don’t remember now. The name is not familiar to me.
Q. Did you review your file before you agreed to testify today for the prosecution? 12311

A. I didn't review my file. I made copies of the documents that have been put in evidence.
Q. How many meetings have you had with any representative of the prosecution before testifying today?
A. I don't know what you mean by "meeting." I was upstairs in the room awaiting testimony. And Mr. Zonen came up and I gave him these documents. If that's a meeting, I don't know. One today and one before the last time I testified. And I testified to Mr. Sneddon -- meeting Mr. Sneddon, gosh, I don't know, two years ago, or a year and a half ago.
MR. ZONEN: I'll object as to irrelevant, anything beyond the prior testimony, and asked and answered.
THE COURT: Overruled. You interrupted the witness.
I'm not sure you had completed your answer.
THE WITNESS: Yeah, I don't know what you mean by a "meeting." A meeting can be defined as two people in the same room together. I never had a meeting for the purpose of discussing testimony or reviewing documents.
Q. BY MR. MESEREAU: You don't know how to define the word "meeting"?
A. As I said, a meet -- you define it and I'll tell you whether I had them. 12312

As I said, I was with Mr. Zonen for a couple of minutes upstairs. If that's a meeting, then, yes, I had a meeting with Mr. Zonen today. And I had a meeting with him the time -- before I testified last time.
And I met with Mr. Sneddon long before there was a case, I guess. But a long, long time ago. Just an introductory meeting, you know. I -- I think that's it.
Q. Well, Mr. Dickerman, in this series of correspondence with Mr. Geragos, you were threatening to sue Mr. Jackson on behalf of the Arvizos for a number of things, including withholding possessions from Ms. Arvizo that were taken from an apartment, correct?
A. You'd have to point me to that.
Q. Well --
A. I don't know that I ever threatened to sue Mr. Jackson on behalf of the Arvizos for anything.
Q. Let's go to your first letter, then, on the 26th. Do you see that letter, the one that you didn't sign?
A. I signed it.
Q. Okay. You just don't have a copy. The one you claim you signed, but there is no copy, correct?
A. Correct.
Q. Okay. Let's look at the last paragraph. It says, "The Arvizos expect Jackson to comply with the 12313

demand to cease contacting and intimidating them immediately. His failure to heed this demand will force my clients to seek a civil restraining order and perhaps to vindicate their rights in other ways."
A. Yes.
Q. You're not threatening a lawsuit?
A. Well, when you say "a lawsuit," I think of actually a civil -- a full-blown civil action. To get a restraining order is -- I guess technically it's a lawsuit, but it's a quick thing. You go down to court, you put in a declaration, perhaps have some testimony, and it's done really quickly.
Q. But, sir, it says, "They may seek a civil restraining order and perhaps to vindicate their rights in other legal ways," right?
A. That's correct. And it's purposefully vague there. I didn't threaten a lawsuit. "Other legal ways" meaning anything that we can legally do is a possibility, sure.
Q. Like what, for example?
A. Well, there --
Q. That isn't a lawsuit?
A. There's a writ of possession. You can't do anything without actually filing a Complaint or a Petition. In order to get a court order, as you well know, having practiced civil law yourself, you need to file some kind of an action. You can call 12314

that a lawsuit. You can call it an action. You can call it -- I believe the civil procedure refers to a number -- I think the Code of Civil Procedure refers to a number of different kinds of action.
So as I say, when I refer to a lawsuit, when I ask somebody, “Do you want to file suit?” I’m talking about a full-blown civil action with causes of action that you eventually go to trial on to recover, usually, damages for your client.
Saying various other legal ways could have been, as I say, a writ of possession, which is, yes, you have to file some kind of a Complaint or a Petition, or whatever else there was.
There was no decision made here as to what was going to be done, so to say “other legal ways” leaves open anything that my clients decided to do.
Q. Including lawsuits, true?
A. Sure.
Q. That’s your first letter, right?
A. My first letter to Geragos.
Q. Yes.
A. Yeah.
Q. Was that the first letter you ever wrote to anyone on behalf of Janet Arvizo?
A. I think so.
MR. ZONEN: I will object as exceeding the scope of the direct.
THE COURT: Overruled. The answer is in. 12315

Q. BY MR. MESEREAU: Now, when you first met your client, Janet Arvizo, you didn't ask about the address of the apartment that she was complaining about?
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, let me refer you to a letter from Mark Geragos to you of May 15th, 2003. Do you see that letter?
A. Yes.
Q. Mr. Geragos writes the following to you: "Since it appears that you are not equipped nor willing to receive the property at your office, we suggest that a simple matter in which to resolve this situation is for your client to assume the $100 a month charge for the rental units in which the property is being stored." Do you see that?
A. Yes.
Q. Did you agree to that in your next letter?
A. You're referring to the May 15 letter in which I say, quote, "You seem to believe that if you repeat or imply a falsehood often enough it will be believed." Is that --
Q. That's correct. Did you think it was false that he said the unit cost $100 a month?
A. No. What I was referring to was his statement that we had somehow agreed, or that he was acting properly in having these materials deposited, 12316

or he tried to deposit them at my office, when there was no arrangement, when he knew that I was out for a religious holiday, and we had no agreement whatsoever, and he had never responded to any of the requests to know what there was, where it was, who had possession of it.

Q. Now, the day you learned that Mr. Geragos had a mover appear at your office, did you call him back and say, “I’m back in the office. Let’s arrange to deliver it at a certain location”?

A. No. What I did was carry on correspondence with Mr. Geragos. I believe at one point, and I think there’s a letter here, that when it turned out that he was being totally deceitful and dodging and not responding, I believe I told him that we should have no further communications orally, but that everything should be in writing.

The reason these things are in writing, which I usually -- I just never had an experience with anybody where there’s this series of letters to get an answer to a question.

The reason for this writing is just to document the impossibility of getting him to do what I had asked him to do so many times, which was a simple request: Give us the passports, the visas, the birth certificates. In fact, the other materials were not that critical. What my clients wanted were the passports, birth certificates, 12317

visas, the other documents that were very specific.
Q. Did your client prefer that someone else continue to store the furniture at their own expense?
MR. ZONEN: Objection. Asked and answered and argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: In any of these letters, do you tell Mr. Geragos where to deliver the furniture?
THE COURT: Counsel, that's asked and answered.
MR. MESEREAU: Okay.
Q. Let me refer you again to the paragraph on the Geragos letter to you of May 15th, 2003. He asked you on that date --
A. I'm sorry, what date?
Q. I'm sorry, May 15th, 2003.
A. Okay.
Q. Mr. Geragos says, "Since we have not been able to resolve this," he asks if your client will assume the $100 a month charge for the rental units, right?
A. Yes.
Q. And what was your response to that?
A. Well, that same day I responded to him detailing his lie about having had an arrangement to drop off those materials. 12318

And then I said, in the next paragraph, quote, "I will consider your suggested resolution once you comply with my previous requests that you provide a list of all items you intend to," quote, "deliver," period, close quote. "I was told there was a massive amount of furniture in your," quote, "'delivery,'" close quote, "while my clients, who lived in a bachelor apartment, had very few possessions and little, if any, furniture. Your client, thorough deception, makes mine understandably reluctant to take his or your word for anything. I'd also like you to deliver immediately," underlined, "my clients' passports, birth certificates, and the clothing items previously described."

And there, in the final paragraph, is my request that he not communicate with me in any way but writing, because I did not want any more -- I hate to say this about another lawyer. I did not want any more lies. And if they were in writing, I didn't think that he was going to lie, although he continued to do so.

Q. I understand. Let me reask my question again.

In your response to Mr. Geragos, Mr. Dickerman, do you ever tell him, one, where to deliver the items, or two, that your client will assume the cost of representing the unit? Anywhere 12319

in all your verbiage, do you say anything about either of those issues?
A. Yeah. I said once he complies with my previous requests -- I don't know if there's a problem. Is the microphone on? Maybe you're not hearing me. It says -- well, now it's not. Oop, is it on now?
It says that once he complies with my previous requests made over a period of, let's see, March, April, May, almost two months, that I would be happy to do what he wanted.
Again, my clients' immediate concern was not to get the items back from the vault. That was not the big deal.
Q. And does your client care about who paid to store them?
A. My client agreed subsequently to pick up the tab once they knew where the items were, absolutely.
Q. Months later, correct?
A. I don't believe so.
Q. Well, let's keep going, okay?
A. Excuse me, just to complete the answer --
Q. Sure.
A. -- the final paragraph of that May 15 letter says, quote, "Finally, your blatant dishonesty regrettably compels me to instruct you to act only on my written authorization, instruction or agreement." 12320

Q. I understand all the words.
What I'm trying to find out is, two months
after your March 26th letter, you've never told him
where to deliver the items and you've never agreed
to have your client pay the costs of storage, true?
A. Well, he asked about the cost of storage
later on, and --
Q. Can you answer my question?
A. Yeah, of course.
Q. Please do.
A. The letters say what they say. But to make
it sound like I was dodging --
MR. ZONEN: I'm going to object as
nonresponsive to the question.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Well, let's go -- let's
keep going and see if you ever tell him where to
deliver the material, okay?
We've got a letter that you sent him on
May 20th, 2003, right? Is that correct?
A. Yes.
Q. That's approximately two months since your
first letter of March 26th, 2003, right?
A. Yes.
Q. Have you still told him where to deliver
anything?
A. You're referring to the letter in which I
say, "My clients are willing to assume payment for 12321

storage of their possessions”?
Q. Yes.
A. And the one where I say, “I ask that you provide the precise location of all such property, and the identity, address and phone number of each person with access and/or a key to any place where the property is located”?
Is this the letter that says, “You have never responded to that more than reasonable request”? And the one where I go on to say, “If my clients are to,” quote, “assume payment on the two storage lockers,” close quote, “as you requested they do, they will obviously need that information, as well as any agreements that are to be assumed. I look forward to receiving all such information at once.”
Q. It wasn’t until two months later that you agreed to pay the costs on behalf of your client, true?
A. Not two months after -- two months after what?
Q. Well, from March 26th to May 20th, you went back and forth with all this verbiage, and it wasn’t till May 20th that you ever agreed to assume the costs of the storage facility, true?
A. No, that’s false. And you know it’s false, because there was no vault discussed by Mr. Geragos or even acknowledged early on. So to say it’s two 12322

months from the date when I asked for items that were never responded to, you know that's false. So, no, it was not two months.
Q. Did your client ever assume the costs of the storage locker?
A. I don't know whether they did or not.
Q. You don't know till today? You don't know at all?
A. I understood that -- well, I know that they told me that they would do so, and I transmitted that information to -- it was either Geragos or Miller, sure.
Q. Well, let's look at Miller's fax to you of June 12th, 2003. Do you see that?
A. Yes.
Q. It's the last document in this package, right?
A. Right.
Q. Brad Miller sends you a message: "Dear Mr. Dickerman: Sorry I was not able to get back to you yesterday. My office manager, Karen, let me know you called this morning."
So, in fact, you're not just reducing everything to writing. You're making phone calls, aren't you?
A. My comment about writing was to Geragos. I have no understanding of a connection between Geragos and Miller except that Miller's doing 12323

something on his behalf.
Q. What does that mean? What does that mean?
A. I didn't have a problem with Mr. Miller.
Q. Please explain what you mean by that. He's doing something on his behalf, but you don't think he has anything to do with him?
MR. ZONEN: Objection. Argumentative --
THE WITNESS: I knew nothing about --
MR. ZONEN: -- and exceeding the scope of the direct examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Let's look further at Mr. Miller's fax to you, Mr. Dickerman, on June 12th. It says, "Janet's belongings were packed and loaded by Dino's Moving & Storage, 12641 Saticoy Street South, North Hollywood, California. They then placed the items in storage at their facility where they have remained since, occupying, I believe, two vaults. I just sent a check to Dino's for storage payment May and June. Please call John at Dino's, (818) 503-3999, and make whatever arrangements are necessary to transfer the storage from myself to either you or your client. Tell Dino's they can fax whatever paperwork is necessary for me to sign," and it gives the fax number. "Thank you, Brad," with a cc to Mark Geragos.
You didn't know he had a connection with Geragos when you got that fax? 12324

MR. ZONEN: Objection. Argumentative and exceeding the scope of the direct.
THE COURT: Overruled.
THE WITNESS: Well, I don't know exactly what you mean by "connection." Obviously they had something to do with each other, yeah. But I had no problem with Miller, when you talk about putting things in writing. I --
Q. BY MR. MESEREAU: Well, you got this fax of June 12th, correct?
A. Yes.
Q. What did you do about it on behalf of your client, Janet Arvizo?
A. I'm pretty sure I called my client, and told them that we had now located the items, and I believe I asked them whether they wanted to assume the cost, and I think Janet Arvizo said she did.
Q. Did she?
A. I don't know. I don't know what happened after that.
MR. MESEREAU: No further questions.

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. The last letter that Mr. Geragos -- that Mr. Mesereau asked you about dated June 12th, 2003, that identifies Dino's Moving & Storage, is that the first communication you had from anybody identifying 12325

where your clients' property was stored?
A. Yes.
Q. Did Mr. Geragos ever tell you where the property was stored?
A. Never.
Q. Did Mr. Geragos ever tell you that he had the passports that belonged to your client?
A. No.
Q. Let's go back to the letter that's dated May 12th, 2003. That's the one where you wanted to move on a little bit, and let's go back to the beginning of this letter.
MR. MESEREAU: Objection; move to strike.
THE COURT: Stricken.
Q. BY MR. ZONEN: May 12th, 2003, your letter to Mr. Geragos, do you have that in front of you?
A. Yes.
Q. Read -- the first two sentences end with the words "to be delivered." If you'd read those out loud, please.
A. "Dear Mr. Geragos: I thought I had previously memorialized by letter your April 24th stunt with the movers, but I find I did not. This then will serve to confirm that on April 24, at about 9:30 a.m., you sent purported movers to my office laden with a huge amount of furniture and possibly other items that the movers told the receptionist and building service representatives I 12326

had directed and arranged to be delivered."
Q. Stop right there.
That was the part that Mr. Geragos read to
you -- that Mr. Mesereau read to you; is that
correct?
A. Yeah. At least part of it, yeah.
Q. Go ahead, now, and read the next sentence
that you wrote.
A. "As you know, and knew then, and as my
correspondence reflected, there was no such
arrangement. In fact, much to the contrary, I asked
you on numerous occasions to deliver just the
passports and certain other documents and a few
items of Gavin Arvizo's clothing. Not only did you
never deliver those items, you never even
acknowledged any intention or interest in doing so."
Q. Now, this is actually another letter I had
not pointed out to you earlier where you refer to
the passports again; is that right?
A. That's right.
Q. So this is the May 12th letter that refers
to your clients' passports?
A. Yes.
Q. And previously I identified five different
letters. That's actually May 6th; is that correct?
A. I haven't been counting.
Q. All right. Now, did you know in advance, at
the time of the delivery of the contents of your 12327

clients' apartment to your office building, that Mr. Geragos was going to do that?
A. I'm sorry, did I know whether -- did I have any advance notice that he was going to do it?
Q. Yes. Yes.
A. None.
Q. Did he ever call you and say, "We're going to just go ahead and deliver your clients' property to your office"?
A. Never.
Q. Are you a sole practitioner?
A. Yes.
Q. How large is your office?
A. One, sometimes two.
Q. All right.
A. Well, and sometimes other attorneys that I associate in on cases. But as a regular matter, one and a secretary.
Q. Okay. And do you have room to store a refrigerator and possessions from even a small or modest studio apartment?
A. I have no storage whatsoever except for some files. I keep everything off site. I would never -- I could never store anything in the building. I have no agreement with them to do so.
Q. If you had been asked in advance to accept possession of the Arvizo family residence at your office, would you have agreed? 12328

A. No, I --
MR. MESEREAU: Objection; calls for speculation.
THE WITNESS: It doesn't call for speculation. I certainly wouldn't have. I couldn't have.
THE COURT: Just --
MR. ZONEN: Mr. Dickerman, you can't do that, okay? Please, just answer the question.
THE WITNESS: Sorry.
THE COURT: The objection is overruled.
Q. BY MR. ZONEN: Would you have agreed to that?
THE COURT: Read the question back.
(Record read.)
THE WITNESS: Absolutely not.
Q. BY MR. ZONEN: All right. And nobody contacted you from Mr. Geragos's office in advance; is that correct?
A. That's correct.
MR. ZONEN: No further questions.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Dickerman, isn't it true that at one point Mr. Geragos was so frustrated because you would not let him know where to deliver --
MR. ZONEN: I'm going to object as to 12329

whether or not Mr. Geragos --
Q. BY MR. MESEREAU: -- your client's property
that --
MR. ZONEN: -- was frustrated as exceeding
the scope, and --
Q. BY MR. MESEREAU: -- that he had to write
you a letter --
THE COURT: Just a moment.
Q. BY MR. MESEREAU: He wrote you a letter
threatening to auction it off if you didn't tell him
where to deliver it or accept responsibility for
storage, right?
THE COURT: Just a moment. You're going to
have to start over. The question is garbled by
interruption.
MR. MESEREAU: I'm sorry.
Q. Isn't it true, Mr. Dickerman, that at one
point Mr. Geragos was so frustrated at your
unwillingness to tell him where to deliver the items
in storage, that he told you if you don't tell him
where to deliver it, he's going to possibly let it
be subject to auction by the owner of the storage
facility, right?
MR. ZONEN: I'll object as speculative as to
whether or not he was frustrated.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you have the May 17th
letter from Mr. Geragos to you? 12330

A. Yes.
Q. Let me just go through that letter with you.
“Dear Mr. Dickerman: Thank you for your histrionic letter dated May 15, 2003. Beyond your bluster and personal attacks, please remember that you have a duty to resolve this matter in the most efficient manner possible. In that regard, please advise us as to whether your clients will accept our offer that they assume payment on the two storage lockers.”
Next paragraph: “As to your request for an inventory of the property, our offer allows your clients immediate possession of all their property,” period. “We will waste no further time or resources of our client. You have caused us the unnecessary expense of one delivery attempt and we will not waste additional funds for the sole purpose of placating you.”
“Lastly, please be advised, in the event your clients, one, refuse to assume the payments on the storage lockers, or two, fail to promptly remove the property therein, the property may ultimately be subject to auction by the storage facility. Govern yourself accordingly. Very truly yours, Mark Geragos.”
You wrote him back and still didn’t tell him where to deliver it, right?
A. You’re referring to the letter where I tell 12331

him that we're willing to assume payment and take delivery once he complies with the request I've been making since March 26th, for almost two months.
Q. So your --
A. Is that the one?
Q. -- your position was, "Give me what I want, and you keep storing what I don't want at your expense"?
MR. ZONEN: Objection. Argumentative and asked and answered.
THE COURT: Sustained.
MR. MESEREAU: No further questions.
MR. ZONEN: No further questions.
THE COURT: All right. You may step down. We'll take our break.
(Recess taken.)

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Excuse me, I just stepped in quickly because I understand there's -- you want to put a stipulation on the record; is that right?
MR. MESEREAU: Yes, please, Your Honor.
THE COURT: Okay.
MR. ZONEN: Do we already have this exhibit identified? We do. We turned it in to the Court. 12332

THE COURT: Yes, I just handed it back to the clerk. It's 901.
MR. ZONEN: Thank you, Your Honor.
Exhibit 901 we're going to stipulate can be admitted into evidence subject to the stipulation that these are from Brad Miller's computer. They are e-mail communications between Brad Miller and Mark Geragos, and that the deletions that are in here, the deletions are done with Court approval, directed by Mr. Geragos, and they delete sections that refer to other clients.
THE COURT: All right. Do you agree with that stipulation?
MR. MESEREAU: Yes, Your Honor.
THE COURT: I'll approve that stipulation, and that relieves the necessity of Mr. Geragos' appearance tomorrow; is that correct?
MR. ZONEN: I believe so, yes.
MR. MESEREAU: Yes. My understanding is he would like to fly out of town --
THE BAILIFF: Microphone.
MR. MESEREAU: My understanding is Mark Geragos would like to fly out of town tomorrow, and we have no objection to that, but I would not want to tell him to do so until the Court approves.
THE COURT: I'm asking you. Do either of you -- do either of you have any need for Mr. Geragos to appear tomorrow? 12333

MR. MESEREAU: No, Your Honor.
MR. ZONEN: No.
THE COURT: So we can release him to go where he wants to go?
MR. ZONEN: Yes.
THE COURT: All right. That will be fine.
MR. MESEREAU: Thank you.

(The following proceedings were held in open court in the presence and hearing of the jury:)

(Off-the-record discussion held at counsel table.)
MR. MESEREAU: Excuse me, Your Honor.
THE COURT: Would you face the clerk and raise your right hand, please.

CHRISTINE CAUSER
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Christine --
BAILIFF CORTEZ: Ma'am, be seated first.
THE WITNESS: Christine Causer.
C-h-r-i-s-t-i-n-e, C-a-u-s-e-r. 12334

THE CLERK: Thank you.
THE COURT: Counsel, before you ask a question, there's -- can you give us an indication of -- I'm speaking to all of you -- are we going to have a full day tomorrow on evidence? Does that seem to be the situation?
MR. MESEREAU: I think we might, Your Honor.
THE COURT: Okay. Go ahead, Counsel.
MR. SNEDDON: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mrs. Causer?
A. Yes.
Q. Mrs. Causer, you're going to have to lean into the --
A. Right here?
Q. The other one.
A. Oh. Okay.
Q. There we go. Thank you very much. Mrs. Causer, you live in the Los Angeles area?
A. Yes.
Q. And what is your current occupation?
A. I work as a visitation -- visitation services at a mortuary.
Q. That's at Rose Hills?
A. Yes, it is. 12335

Q. Now, at one point in time, did you work as
an intern for the Mid Valley News?
A. Approximately four or five years ago.
Q. And was the person that you worked for
Connie Keenan?
A. Yes.
Q. She was the editor at that time?
A. Yes.
Q. And you're familiar with Mrs. Keenan?
A. Yes.
Q. And in connection with your work with Mrs.
Keenan, did you become involved in writing an
article for the Mid Valley News?
A. Yes, I did.
Q. Now, I want to ask you some questions, some
specific questions. Did you ever tell Mrs. Keenan
that you had delivered a cooked turkey to the Arvizo
family?
A. Not a cooked turkey.
Q. Okay. You delivered a turkey, did you not?
A. Yes.
Q. And when you delivered that turkey to the
Arvizos, did you also give them some money?
A. Yes.
Q. How much did you give them?
A. Five dollars.
Q. That was a lot of money to you at that time,
wasn't it? 12336

A. It was -- it was somewhat -- not really a lot, but it was a token amount, really.
Q. Did you tell Mrs. Keenan that you had done that?
A. Yes.
Q. And did you get in trouble for doing that from her?
A. Yes, I did.
Q. Did you ever tell Mrs. Keenan that, when you delivered the uncooked turkey to the Arvizo family, that Mrs. Arvizo said to you, “That’s nice, but I’d rather have money”?
A. No.
Q. You never made that statement to her?
A. No, I did not.
Q. Did you ever tell Mrs. Keenan that the Arvizo family was going to lose their home as a result of what -- the medical expenses connected with their son Gavin?
A. I don’t believe so.
MR. SNEDDON: No further questions, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Miss Causer.
A. Hello.
Q. Miss Causer, my name is Tom Mesereau. I 12337

speak for Mr. Jackson.
You did have a discussion with Miss Keenan about Janet Arvizo's reaction to your bringing the turkey, did you not?
A. Yes.
Q. And what did you tell her Janet Arvizo's reaction was?
A. I just felt that she rather discarded it. She didn't seem really pleased.
Q. And did Janet Arvizo proceed to tell you anything about her financial condition?
A. Yes. She did mention the medical expenses were uncovered by the insurance that they have -- had at the time or didn't have anymore.
Q. And did she tell you that her car had been repossessed?
A. Yes.
Q. Did she tell you that one chemotherapy injection cost more than $12,000?
MR. SNEDDON: Your Honor, I'm going to object. This is beyond the scope of the direct examination. I --
MR. MESEREAU: I don't believe so, Your Honor.
MR. SNEDDON: I was specific as to her conversation with Mrs. Keenan.
THE COURT: Sustained. It's beyond the scope. 12338

Q. BY MR. MESEREAU: Now, did you tell Miss Keenan that Janet Arvizo told you that one chemotherapy injection cost more than $12,000?
A. I don't think I said "more." I think I said "12,000."
Q. And did you tell Mrs. Keenan that Janet Arvizo told you her car had been repossessed?
A. Yes.
Q. Did you tell Mrs. Keenan that Janet Arvizo said they had a deteriorating financial condition?
A. Yes.
Q. And did you tell Mrs. Keenan that Janet Arvizo said they no longer had medical insurance?
A. Yes.
Q. Did you tell Mrs. Keenan that Janet Arvizo said the financial toll on the family has been undescribable?
A. I don't recall those words, actually.
Q. Would it refresh your recollection if I just show you this article?
MR. SNEDDON: Well, which article?
MR. MESEREAU: The article written by Miss Causer.
Q. Might that refresh your recollection on what that word was?
A. Probably.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes. 12339

Q. BY MR. MESEREAU: Have you had a chance to review that portion of the article?
A. Not recently.
Q. Okay. I mean just this second, did you have a chance to look at that?
A. Just recently now, yes.
Q. Does it refresh your recollection about what you told Miss Keenan?
A. Yes.
Q. And did you tell Miss Keenan that Janet Arvizo told you that the financial toll on the family has been undescribable?
A. Yes.
Q. Now, did you tell Miss Keenan that Janet Arvizo told you that becoming a comedian is Gavin's dream?
A. Yes.
MR. SNEDDON: Your Honor, that's double hearsay. I'm sorry. Double hearsay.
THE COURT: Just a moment, please.
MR. MESEREAU: Sure.
THE COURT: It's overruled.
Q. BY MR. MESEREAU: I'm sorry, I didn't hear your answer, Miss Causer.
A. Yes.
Q. Okay. And did you tell Miss Keenan that Janet Arvizo told you that before his illness, he, meaning Gavin, attended Rush Hour and became friends 12340

with Chris Tucker, who has become a big brother to him?
A. Yes.
Q. And did you tell Miss Keenan that Janet Arvizo told you that Suli McCullough, a stand-up comic on The Jamie Fox Show, was also an important support to Gavin?
A. Yes.
Q. Did you tape-record your interview with Janet Arvizo?
A. Yes.
Q. And at some point did you double-check to see if the fact about the chemotherapy costing $12,000 was correct?
A. Yes.
Q. That wasn't a typographical error, was it?
A. I don't believe so.
MR. MESEREAU: I have no further questions, Your Honor.
MR. SNEDDON: No questions.
THE COURT: All right. Thank you. You may step down.
Call your next witness.
MR. ZONEN: We'll call Maria Ventura. Maria Ventura.
We need an interpreter.
THE COURT: I'll remind you that you're still under oath. You're still under oath. And you may 12341

be seated.
MRS. VENTURA: Okay, of course.

MARIA VENTURA
Having been previously sworn, resumed the
stand and testified further as follows:

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Miss Ventura, good afternoon.
A. Good afternoon.
Q. I'd like to direct your attention, please,
to the 27th of August of 1998.
A. That's fine.
Q. All right. On that particular occasion, in
the evening hours, did you proceed to a shopping
mall in the West Covina area?
A. Yes.
Q. Did you go there for purposes of picking up
your grandchildren?
A. Yes.
Q. Was that the day your daughter Janet and her
then-husband David were arrested?
A. Yes.
Q. When you got to the shopping mall, was
either David or Janet still there? Were either one
of them still there?
A. Janet was there, a police officer, a patrol 12342

car, and the kids.
Q. Okay. Did you -- which kids?
A. Gavin and Star.
Q. Did you take the children home with you?
A. Yes.
Q. Was Janet taken by the police?
A. Yes.
Q. How long did the children stay with you?
A. Till the next day.
Q. All right.
A. Because I called her. The kids were not
well.
Q. All right. What was the matter with the
children?
A. They complained all night. Star was
complaining about a headache, and Gavin, his arm.
And I gave them Tylenol.
Q. All right. The next day, did somebody take
them to the doctor?
A. Yes, both of them.
Q. Okay.
A. Janet and David.
Q. All right. Did David or Janet see either of
the boys from the time you picked them up?
MR. MESEREAU: Objection; foundation.
MR. ZONEN: Let me reask that question
again.
Q. You took the two boys from the shopping mall 12343

directly to your house; is that true?
A. No. I went to see if I could get my daughter out.
Q. Okay. Where were the boys when you went to get your daughter?
A. With me.
Q. In the car?
A. We walked over there to the police station.
Q. It's not too far from the shopping mall?
A. No, the mall is right there, and then we just came like that in the car, and then we got out and went in.
Q. Was your husband with you?
A. He was driving.
Q. Okay. And were you able to get your daughter out at that time?
A. No.
Q. And did you then go back to your home?
A. Yes.
Q. And that's your home in El Monte?
A. Yes.
Q. All right. And did you stay at your home that night with your two grandsons, Star and Gavin?
A. Yes.
Q. Do you know approximately what time it was that Janet and her husband David arrived at your house and took the boys?
A. The next day. 12344

Q. All right. Do you know approximately what time the next day that was?
A. I don't remember.
MR. ZONEN: Thank you. No further questions.
MR. MESEREAU: No cross-examination.
THE COURT: All right. Thank you. You may step down.
Call your next witness.
MR. SNEDDON: Re-call Detective Bonner, Your Honor.
THE COURT: All right. Be seated. You're still under oath.
DETECTIVE BONNER: Thank you.

CRAIG BONNER
Having been previously sworn, resumed the stand and testified further as follows:

MR. NICOLA: Your Honor, before I begin questioning Detective Bonner again, I brought up the issue of an SDT. I think we'll need it admitted into evidence. Mr. Sanger mentioned he needed to get his reports. I believe he's had time to do that.
MR. SANGER: Well, that would assume facts not in evidence, but if we're talking about the Brad Miller phone records, we can proceed with those. 12345

MR. NICOLA: Premarked as Exhibit 448.
MR. SANGER: We can proceed with those, Your Honor.
THE COURT: So I'll --
MR. NICOLA: May I approach the clerk, Your Honor?
THE COURT: You're consenting to their admission, Counsel?
MR. SANGER: Yes. In other words, they were subpoenaed.
THE COURT: Okay. So 448 is admitted.
MR. SANGER: Well, the question -- all right. They're subpoenaed, and so I don't know what part he's going to mark, so I'll wait until I find out.
THE COURT: Well, you're not -- I misunderstood. You're not consenting to their admission. You want him to proceed. I'm not sure what you're agreeing to. That's all.
MR. SANGER: Okay. I had earlier indicated to counsel that I needed time to look at this. I don't need any more time to look at them, but I don't know what he's going to do with them.
THE COURT: You're not agreeing to anything.
MR. SANGER: Assuming he's not marking the affidavit, if he wants to mark the phone records -- just to make it easy, so we can get it done, if he wants to mark the phone records as a particular 12346

document or a particular exhibit, I have no objection to that. And I'll agree that there is a foundation laid, provided, pursuant to the subpoena.
MR. NICOLA: We actually marked the envelope that all of those documents came in. We would withdraw the actual affidavit of the custodian of records prior to introducing them into evidence.
THE COURT: All right.
MR. NICOLA: I don't believe there's an argument they're the Brad Miller phone records for January, February and March of 2003. And I would ask just a couple of foundational questions prior to moving them into evidence.
THE COURT: All right. Go ahead.

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Detective Bonner, placed in front of you are the contents of Exhibit 448; is that correct?
A. Correct.
Q. And the first page of those documents appears to be the certification of the custodian of records from Pay Less Cellular; is that true?
A. That's true.
Q. And have you examined a copy of these documents and ascertained what they are?
A. Yes, I have. And they are the cellular telephone records for an account belonging to 12347

Bradley Miller.
Q. Do they cover a period of January through March of the year 2003?
A. They do.
MR. NICOLA: We'd move Exhibit 448 into evidence at this time, Your Honor, save the certificate of authenticity.
MR. SANGER: All right. And I have no objection.
THE COURT: Well, they're admitted.
MR. NICOLA: Thank you.
THE COURT: And let's mark the certificate of -- or let's just lodge the certificate.
MR. NICOLA: We can also mark it as Exhibit 447, if that works.
THE COURT: All right. All right. Mark it 447, but it does not go in evidence.
MR. NICOLA: Madam Clerk?
Q. Detective Bonner, I've handed you Exhibit 449, and do you recognize those cellular telephone records for Mark Geragos and the firm Geragos & Geragos?
A. That's correct.
Q. And do they cover a period of January through March of the year 2003?
A. I believe February through March of 2003.
MR. NICOLA: Okay. And I believe, Your Honor, counsel agreed to a stipulated foundation on 12348

those records, and we move those into evidence, if
I'm accurately representing the stipulation.
THE COURT: Just offer them in.
MR. SANGER: It's a little bit confusing
because counsel's got different numbers than we had
before. Let me just look.
I had 460. Is 460 just the diagram?
MR. NICOLA: 449 are the actual --
MR. SANGER: Is this 449? No. That's all
460. All right. Let me take a look at 449.
Just a moment, please.
If I may approach for that.
THE COURT: Yes.
MR. SANGER: With regard to 449, I've
decided to say I don't have a horse in this arena,
but -- if I can, but 449 does have apparently the
other -- what would be sensitive, confidential
attorney-client phone numbers, I would suppose, from
a law firm. And I think, as an officer of the
court, as I said before, we should be cautious with
that. If it's being admitted, there's -- unless
there's some protective order, it would be open to
the public.
I don't want to make a big thing out it, but
I think I should make that point to the Court.
MR. NICOLA: May I respond, Your Honor?
THE COURT: Yes.
MR. NICOLA: With respect to all the phone 12349

numbers, all the phone records that were exhibit --
that were introduced throughout this trial, we'd
make a motion that they be sealed from public view
at the end of the case, and that they only be shown
to court personnel, the attorneys and the jury.
THE COURT: You'll have to file a formal
written motion.
MR. NICOLA: We will.
THE COURT: But assuming you're going to do
that, I'll admit the records with that
understanding.
MR. NICOLA: Thank you, Your Honor.
And finally, if I may approach the witness
with Exhibit 460. That's --
MR. SANGER: Yeah, 460 I've got.
Q. BY MR. NICOLA: Detective Bonner, is Exhibit
460 a series of telephone link charts and supporting
documentation that you created for the rebuttal
portion of this case?
A. That is correct.
Q. And with respect to Exhibit No. 449 and
Exhibit No. 448, did you examine the contents of
those telephone tolls for Mr. Miller and Mr. Geragos
in coming up with your charts --
A. I did.
Q. -- as exhibited in Exhibit 460?
A. That's correct.
Q. And does the period of time of Exhibit No. 12350

1 460 cover the months of February and March of 2003?
2 A. That is correct.
3 Q. Okay. If you could turn your attention to
4 the first two pages, 2-4 and 2-5.
5 A. 2-4 and 2-6?
6 Q. Excuse me, 2-4 and 2-6. You put the year
7 '05 on that?
8 A. That is incorrect.
9 Q. It is '03?
10 A. Yes.
11 Q. Do the rest of the charts show the proper
12 year of 2003?
13 A. They do.
14 Q. Now, with respect to the link charts in
15 Exhibit 460, did you try to show the communications
16 between telephones registered to Mr. Geragos,
17 Mr. Miller and the other unindicted co-conspirators
18 in this case?
19 A. That is correct.
20 MR. SANGER: I'm going to object to the
21 characterization by counsel and move to strike. My
22 point being it should be, at the very least,
23 "alleged."
24 THE COURT: All right. Use the word
25 "alleged," at least.
26 MR. NICOLA: I would substitute the word
27 "other" with "alleged."
28 THE COURT: All right. 12351

THE WITNESS: That's correct.
Q. BY MR. NICOLA: Okay. With the alleged co-conspirators in this case.
Can you quantify for the jury, please, generally, approximately how many communications within that period of time occurred between the phone -- the cell phone registered to Mr. Geragos and the cell phone registered to Mr. Miller?
A. A minimum of 50 telephone calls.
Q. And the cell phone belonging to Mr. Geragos and the cell phone belonging to Mr. Schaffel?
A. In excess of 15 telephone calls.
THE REPORTER: 15?
THE WITNESS: 15.
Q. BY MR. NICOLA: Did you note any communication between the cell phone registered to Mr. Miller and Mr. Frank Cascio?
A. Yes, I did. There were in excess of 60 telephone calls between those two telephones.
Q. Generally, without going into each exhibit in there --
If I could please have "Input 4," Your Honor, please.
I'd like to show you the chart you've created for February 12th of 2003.
THE COURT: Should it be "Input 4"?
MR. NICOLA: "Input 4."
THE COURT: That's "Input 4." 12352

MR. NICOLA: Ahh. Thank you, Mr. Auchincloss.
Q. Now, this appears to resemble the charts you previously testified about, with the exception of a number of links. If you could explain the differences to the jury, please.
A. Absolutely.
Basically what we did here is, in reviewing the records of Brad Miller and the Geragos records, we found that there were links between Geragos, Brad Miller, Marc Schaffel and Cascio, and because of that, we also included the existing phone analysis involving the alleged co-conspirators as well as Neverland Ranch.
Q. Did you find any three-way calls between the phones of Geragos & Geragos, Brad Miller and Marc Schaffel?
A. On the 12th, there was one three-way call between Mr. Geragos, Mr. Miller and Mr. Schaffel.
Q. And do your records indicate whether or not Mr. Geragos, or the phone registered to Mr. Geragos, was the initiating party in that three-way conversation between those three phones?
A. My recollection is that it was, yes.
Q. Okay. If you could turn your attention to the chart for February 19th, please, of 2003. Once again, if you could explain to the jury the difference in this chart compared to the chart 12353

you testified to in the People's case-in-chief.
A. In the original charts, we did not have the Brad Miller or Geragos & Geragos records. Upon including these records, we found connections between Geragos and Miller, and Miller and several of the co-conspirators. Because of that, we have included them within this graphic.
MR. SANGER: Objection and move to strike the answer.
MR. NICOLA: Can we try to refer to the "alleged co-conspirators," Sergeant?
THE WITNESS: I thought I did, but --
MR. NICOLA: Okay.
THE COURT: Is that the objection, Counsel?
MR. SANGER: That was the objection, Your Honor.
THE COURT: All right.
Q. BY MR. NICOLA: With respect to the chart and your spreadsheet, which is I believe the last part of Exhibit 460, did you try to capture all of the calls on the spreadsheet on these diagrams?
A. Yes, I did.
Q. And there were a few that you didn't put on here for one reason or another?
A. Correct.
Q. Is there a link on February 19th between the Marc Schaffel phone and the Geragos & Geragos phone directly? 12354

A. That's correct. There should have been one.
Q. Okay. And were there any three-way calls on the 15th?
A. Again, I believe there was one three-way call involving Mr. Schaffel's phone, Mr. Miller's phone and Mr. Geragos's phone.
Q. Okay. And when did the toll records become available to you for the Geragos & Geragos phones?
A. I believe that was on Tuesday of this week.
Q. And that was pursuant to a court order?
A. I believe so.
Q. If you could turn your attention, please, to the February 20th, 2003, chart. Once again, you just added the Brad Miller tolls, the Geragos and Geragos tolls to the alleged co-conspirators?
A. That's correct.
Q. Do your records reflect whether any three-way calls between the Brad Miller phone, Geragos phone and the Schaffel phone occurred on Thursday, February 20th of 2003?
A. I believe there was one call, yes.
Q. And with respect to the telephone calls between the Miller phone and the Cascio phone, were those predominantly one direction or both directions?
A. My recollection is both directions.
Q. In analyzing the records for the entire period between February 1st and the end of March of 12355

2003, did you find daily or nearly daily contact between the Brad Miller phone and the Geragos & Geragos phone?
A. “Nearly daily” would probably be the better terminology.
Q. And if I asked you the same question with respect to the Brad Miller phone and the Frank Cascio phone, how would you answer that?
A. “Nearly daily” again.
Q. Was there also a substantial amount of contact between Mr. Amen and Mr. Schaffel during that period of time?
A. Yes, there was.
Q. Or at least the phones registered to them?
A. Correct.
MR. NICOLA: If I may have just a moment, Your Honor.
Q. Sergeant Bonner, if you would turn to the next chart. Not the next chart, the chart for Saturday, February 22nd of 2003.
I’m sorry, I misled you. I do want to go to the 21st. I apologize.
And does the chart for February 21st of 2003 accurately reflect the phone records that you analyzed for the individuals seen up there on the chart?
A. That is correct.
Q. Okay. I only want to ask you specifically 12356

about the call between the Geragos phone and the Schaffel phone, and calls between the Geragos phone and the Brad Miller phone.
Do your records show that the call from the Geragos phone to the Schaffel phone was one placed by the Geragos phone?
A. The Geragos and Schaffel connection was from Geragos's phone to Schaffel's phone.
Q. Okay. With respect to the calls between the Geragos phone and the Miller phone, were those one directional or both directions?
A. Both directions.
Q. Okay. Generally, with respect to the phone calls between the Geragos phone and the Schaffel phone, were those conversations longer than one or two minutes? I'm asking about the whole volume.
A. In general, usually they were longer. They were usually 10- to 13-minute telephone calls.
Q. Okay. If I asked you the same question with respect to the Geragos phone and the Miller phone, what would your answer be?
A. Again, usually more than one to two minutes. But in this case, more like the four- to six-minute time frame.
Q. If you could turn to the chart for February 22nd, 2003, a Saturday. And with respect to the calls between the Geragos phone and the Brad Miller phone, were those generally over one minute in 12357

length?
A. Yes.
Q. And can you tell us what time of day those calls began?
A. The first telephone call I have is at about 9:26 a.m. for five minutes.
Q. And that's from the Miller end to the Geragos end?
A. I believe that's actually the Geragos phone calling the Miller phone.
Q. Oh, I apologize.
And if you could tell us when those calls last came in on the 22nd.
A. The last call I have is at 5:23 p.m. for three minutes. Again, a call from Geragos's phone to Miller's phone.
MR. NICOLA: If I may yield the questioning to the District Attorney, Your Honor.
MR. SNEDDON: Could I have the lights, please?
(Off-the-record discussion held at counsel table.)
MR. NICOLA: While they're talking, may I offer Exhibit 460 into evidence, Your Honor?
MR. SANGER: I think before it's admitted, I do have a reason to ask some questions.
THE COURT: All right.
MR. SANGER: I'd like to do that. Thank 12358

you. I can wait until cross-examination, unless the Court wants me to do it on voir dire.

MR. SNEDDON: All right. We'll just wait. I'm sorry.

(Off-the-record discussion held at counsel table.)

MR. SNEDDON: All right. We're just going to go ahead.

I gave you a copy of this this morning, right?

MR. SANGER: Yes.

DIRECT EXAMINATION (Continued)

BY MR. SNEDDON:

Q. Sergeant Bonner, I think you previously testified in this case that you were present at the Neverland Valley Ranch on November 18th, 2003, during a portion of the execution of the search warrant, correct?

A. That is correct.

Q. And during the course of the execution of that search warrant, you had occasion to go into what we call the master suite or master bedroom of the defendant in this case, Mr. Jackson, correct?

A. That's correct.

Q. And during the time that you were in Mr. Jackson's room, the master suite, let's just call it that for right now, master bedroom, did you hear the 12359

chimes go off in that area?
A. Yes, I did.
Q. Now, did you at that time have occasion to examine the mechanism by which the chimes were activated?
A. No.
Q. Now, did you go back on December the 4th of 2004?
A. Correct.
Q. And you were on the premises at that time; is that correct?
A. Yes, I was.
Q. Did you have occasion at that time -- and you were in the bedroom, Mr. Jackson's bedroom, correct?
A. I was, yes.
Q. Both upstairs and downstairs, correct?
A. Correct.
Q. Did you have occasion at that time to examine the mechanism by which those chimes were activated?
A. I did. I was present, along with the security personnel who was examining it and explaining the workings to us.
Q. And were you present when the chimes were actually activated during the time that you were in the bedroom suite on that particular occasion?
A. I was. 12360

Q. Were you also present in the bedroom on the 18th of November of 2003 when the chimes were activated?
A. Yes, I was.
Q. Now, I want to show you some photographs.
(Off-the-record discussion held at counsel table.)
MR. SNEDDON: Your Honor, I've had three photographs -- they've been marked for identification purposes and I've shown them to counsel. They're marked as 157, 159 and 160 for identification purposes.
May I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. SNEDDON: Detective Bonner, let's start with the photograph that's marked as 157 for identification purposes, okay? Do you recognize that photograph?
A. Yes, I do.
Q. Do you recognize what's depicted in that photograph?
A. This is a picture --
Q. Before you tell me what it is, just tell me, do you recognize what's depicted?
A. Yes, I do.
Q. And is it an accurate depiction of what it purports to represent?
A. Yes, it is. 12361

Q. Let's turn to 159. And do you recognize
what's depicted in the exhibit People's 159?
A. Yes, I do.
Q. And is that an accurate depiction of what it
purports to represent?
A. Yes, it is.
Q. All right. And let's go to 160. All right.
Now, with regard to 160, do you recognize what's
depicted in that photograph?
A. Yes, I do.
Q. Is that an accurate depiction of what it
purports to represent?
A. Yes, it is.
MR. SNEDDON: All right. I move that 157
and 159 and 160 be admitted into evidence, Your
Honor.
MR. SANGER: Could I voir dire briefly on
that, please?
THE COURT: Yes.

VOIR DIRE EXAMINATION
BY MR. SANGER:
Q. Did you take those photographs?
A. No, I did not.
Q. Do you know who took them?
A. I know -- I do not specifically know who
took these exact photographs, no.
Q. Do you know what date those particular 12362

photographs were taken on?
A. I do not, other than one of the two days that we were out there.
Q. Do you believe that because you believe that would be the two days that somebody might have had access to take those sorts of photos?
A. And because I know -- I have reviewed these and I know that it came out of the photographs that our forensics people took during the service of our warrants.
MR. SANGER: I don't think that's an adequate foundation, but I don't know if the Court can understand the basis without looking at the photographs and perhaps having us approach for a moment.
THE COURT: All right. Do you want to bring the photographs over?
MR. SANGER: Yes.
Thank you.
And may we approach?
THE COURT: Yes.
(Discussion held off the record at sidebar.)
THE COURT: Let's see. Did you offer those?
MR. SNEDDON: They're admitted. I'm sorry, I'm taking your job over. I think I asked that they be admitted.
THE COURT: All right. They're admitted.
(Laughter.) 12363

MR. SNEDDON: I'm sure no offense was taken at that, Your Honor.
THE COURT: I was almost ready to hand it over to you.
MR. SNEDDON: That would be a big mistake.
THE BAILIFF: You need to turn your microphone on so they can hear you.
MR. SNEDDON: It's on.
THE BAILIFF: No, him.
MR. SNEDDON: Judge, I don't think your mike is working.
THE COURT: My mind is -- oh, my mike.
(Laughter.)
Q. BY MR. SNEDDON: Detective Bonner -- excuse me. Detective Bonner, with regard to the chimes system at the Neverland Valley Ranch connected with the defendant's bedroom - okay? - did you actually have occasion to be present when the chimes were activated on November 18th, 2003?
MR. SANGER: Asked and answered, twice.
MR. SNEDDON: I'm trying to go back and satisfy your --
MR. SANGER: The objection is asked and answered.
THE COURT: Overruled. Go ahead.
THE WITNESS: Yes, I was.
Q. BY MR. SNEDDON: And did you also -- were you present on the 12th -- I mean, on the 4th of 12364

December of 2004 during the time that you were out there when the chimes were activated?
A. Yes, I was.
Q. And did you personally participate in experiments to determine how the various chimes were activated?
A. Yes, I did.
Q. And did you personally observe the sensors that activated certain portions of the chimes?
A. Yes, I did.
Q. And did you personally hear those chimes when they were activated?
A. Yes, I did.
Q. Now, with regard to -- we're going to put some photographs up on the board.
Are you also familiar with the mechanism by which the door -- by which entry into the door of the suite to Mr. Jackson's bedroom can be accessed?
A. Yes, I am.
Q. All right. Now, let's put some photographs up on the board. And let's begin with 160.
All right. Do you recognize what's depicted in the photograph People's Exhibit 160 in evidence?
A. Yes, I do.
Q. Would you tell the jury what that is?
A. That is a curtain motion sensor. It is mounted on the ceiling and it sends down what can probably be best described as a blanket of the 12365

1 sensor, and as soon as you walk into that blanket,
2 it would then set off whatever it's supposed to set
3 off.
4 Q. And in this case --
5 MR. SANGER: Excuse me, I'm sorry. I'm
6 going to move to strike the answer as being an
7 opinion without a foundation.
8 THE COURT: Sustained.
9 Q. BY MR. SNEDDON: In this particular case,
10 did you actually conduct experiments with regard to
11 this particular sensor as depicted in the
12 photograph, Exhibit 160?
13 A. Yes, I did.
14 Q. As you walked past the sensor, what
15 happened?
16 A. As I walked underneath the sensor, the alarm
17 sounded within the living space of the master
18 bedroom suite.
19 Q. And could you tell the jury where this
20 particular sensor is located in the hallway to Mr.
21 Jackson's bedroom?
22 A. That sensor is located just outside of the
23 door that leads into the living space of Michael
24 Jackson's master bedroom suite.
25 Q. All right. Now, let's -- let's turn to 157.
26 Do you recognize what's depicted in the
27 photograph 157?
28 A. Yes, I do. 12366

Q. In particular, do you recognize what's depicted, the little white -- what appears to be a white rectangular box in the middle -- in the center of the photograph?
A. Yes, I do.
Q. And what is that?
A. That is the alarm enunciator, which was set off when you broke the plane of the curtain sensor that was on the ceiling outside of his bedroom.
Q. Now, was there more than one curtain sensor outside of Mr. Jackson's bedroom?
A. Yes, there was.
Q. Was there a second sensor?
A. There was a second sensor that was located down the hallway, just prior, at the doorway leading into what I guess could be called a foyer or entryway to the house.
Q. So that if you're in the foyer and you open the doors and walk through those doors down the hallway to Mr. Jackson's bedroom, there's a sensor up by those doors?
A. Yes.
Q. And do they activate a chime within the room?
A. During the -- on both November 18th, 2003, and December 4th, 2004, there was no activation of an enunciator within the room when you walked under those -- the curtain sensor that was closest to the 12367

1 foyer.
2 Q. Now, you had occasion to review the defense
3 exhibit that was admitted in this case with regard
4 to the three scenes where the maid was asked to walk
5 out the door and down the hallway, correct?
6 A. That's correct.
7 Q. In those particular scenes that you
8 observed, the sensor at the far end of the hallway
9 near where the doors from the foyer are was working
10 during the course of those videos, correct?
11 A. I believe --
12 MR. SANGER: Objection. Move to strike the
13 answer for the purpose of objecting. There's no
14 foundation for this opinion.
15 THE COURT: Well, sustained, the foundation
16 objection.
17 Q. BY MR. SNEDDON: Were you present on the
18 18th of November of 2003 where you saw people walk
19 through the entryway, through those doors from the
20 foyer into the hallway, to begin to walk down to Mr.
21 Jackson's bedroom? Were you present and did you
22 hear any alarm go off when they did that?
23 A. No.
24 MR. SANGER: Objection. Wait, excuse me.
25 Objection. That's compound. And I move to strike
26 the answer, because it would be without foundation
27 as to at least one of those two parts.
28 MR. SNEDDON: Judge, I asked him if he was 12368

present.
THE COURT: All right. I'll overrule the
objection. The question is basically whether he
heard an alarm go off on that date when someone
walked under the sensor, right?
MR. SNEDDON: That's basically it, when he
was present.
MR. SANGER: And the objection is -- yeah,
the objection is no foundation that he was present
while somebody was walking under that sensor.
THE COURT: All right. The objection is
overruled.
Do you understand the question?
THE WITNESS: I do.
And the answer is that, yes, I was there,
and, no, it did not activate anything when somebody
walked under the sensor.
Q. BY MR. SNEDDON: Was that the same situation
in December when you went -- December of 2004 when
you went back?
A. That's correct.
Q. Now, so we could probably orient this for
the ladies and gentlemen, the exhibit that's on the
board there, which is 160, I believe.
MR. NICOLA: 157.
Q. BY MR. SNEDDON: 157, the one with the white
box in the middle, can you tell the ladies and
gentlemen of the jury, where is that located in Mr. 12369

Jackson's bedroom? Is it on -- let's start, first of all, is it on the first floor or on the second floor?
A. It's on the first floor in the living area of the master bedroom suite.
Q. Where in the living area of the suite?
A. It was located underneath a bookcase/cabinet that was backed against a wall nearest the -- as you're walking into the room, the left bathroom.
Q. Would that be the bathroom where the Jacuzzi is?
A. That's correct.
Q. All right. Now, did you determine that -- that there was another one of these devices that's depicted in the photograph, 157, within the room?
A. That's correct.
Q. Where was the second device located?
A. It was located on the ground, underneath a red and gold chair, also could be considered a throne, I suppose.
Q. Where was that located in Mr. Jackson's bedroom?
A. That was located against the same wall, but this chair was located immediately next to the doorway that led into the right bathroom where -- the bathroom that had the stairwell leading to the upstairs sleeping quarters.
Q. Now, on -- in December of 2004 when you were 12370

out there, did you participate in some -- did you personally participate in some experiments to determine whether or not the device located under the throne chair, that's similar to the one depicted in 157, was working?
A. Yes.
Q. Did you determine whether or not it was working?
A. There was at no point in time, in walking under any of the sensors, that that enunciator was activated.
Q. So you call it an enunciator; is that correct?
A. That's the correct terminology.
Q. But the one depicted in 157, over by the entrance to the bathroom where the Jacuzzi is, was working?
A. It was working, correct.
Q. Now, on November the 18th of 2003, when you went out to execute the search warrant - okay? - on that particular occasion, did you personally determine whether or not the enunciator that was located under the throne seat, as you referred to it, was working on that date?
MR. SANGER: That would be a "yes" or "no." Otherwise, I have an objection.
THE COURT: Okay. Answer "yes" or "no" only.
THE WITNESS: Yes. 12371

Q. BY MR. SNEDDON: You were able to make a determination? “Yes” or “no.”
A. Yes.
Q. And what was it?
MR. SANGER: I’m going to object. No foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: It was not working.
Q. All right. Let’s show the last photograph.
That should get us through the rest of the day.
This is 159 in evidence, and particularly I want to direct your attention to the small white device that is located by the doorway.
First of all, do you know what that is?
A. Yes, I do.
Q. And how do you know what it is?
A. Because I was present when the security personnel analyzed it, and I also tested that object.
Q. Yourself?
A. Yes.
Q. All right. And what is that? What function does it serve?
MR. SANGER: I’m going to object.
THE WITNESS: It’s a motion sensor.
MR. SANGER: I’m going to object. It calls for hearsay. 12372

THE COURT: Overruled.
You may answer.
THE WITNESS: It is a motion sensor that,
when activated, unlocks the entry/exit doors to
Mr. Jackson's personal bedroom, allowing a person to
walk out without needing a key.
Q. BY MR. SNEDDON: Okay. So, the view that
the jury has of this particular exhibit, and let's
direct your attention directly to the door itself,
where would you be standing if you were looking at
that door?
A. You are inside Mr. Jackson's living area of
his personal bedroom, looking out into the hallway
which leads to the foyer.
MR. SNEDDON: Your Honor, I think this would
be an appropriate time to --
THE COURT: All right. We'll take our
recess. See you tomorrow, 8:30. Remember the
admonition.
(The proceedings adjourned at 2:30 p.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 12213 through 12373 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 26, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 26, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER 12374